

Original article

## Entry in the register of monuments as a form of administrative and legal protection of cultural heritage in Poland – legal and practical aspects

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### ABSTRACT

The aim of the article is to characterize entry in the register of monuments as a statutory form of administrative and legal protection of monuments in Poland and to identify regional disparities (differences) in the practice of implementation of entry in the register of monuments in provinces, as at the end of June 2018.

The thesis was put forward that entry in the register of monuments is an important way of protecting cultural assets in Poland after 2003, while the practice of use of the identified administrative and legal form of monument protection may testify to the particularly rich historical stock of some Polish provinces.

Entry in the register of monuments is a necessary administrative and legal measure for protection of monuments in a democratic state that takes care of the development of cultural resources. The condition of culture depends largely on protection of monuments. Monuments in Poland are characterized by significant diversity in terms of geographical distribution and costs of their protection.

### KEYWORDS

cultural heritage, law, entry in the register of monuments, monument



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## Introduction

The issue of administrative and legal protection of cultural heritage in Poland deserves special attention due to the implementation by the state, with the participation of social organizations, of tasks related to the creation of cultural security. Cultural security can be defined as a dimension of human security aimed at creating individual security and a sense of collective identity. It involves preventing and combating threats that undermine the cultural

and national identity of a country<sup>1</sup> [1, p. 34-5]. The issues addressed herein are a part of the overarching context of cultural security as the basis for protection of cultural objects in Poland<sup>2</sup>.

The administrative and legal protection of cultural heritage in Poland has already been addressed in the current literature [2, p. 224-9; 3, p. 175-80; 4, p. 211-76; 5, p. 143-203]. However, there is a lack of a broader analysis of the combined, theoretical-empirical meaning of the selected statutory form of protection of monuments and, consequently, of the cultural heritage of Poland. Due to the attempt to determine the importance of entry into the register of monuments, it should be stated that the deliberations on this subject have been the subject of analyses by, among others, M. Drela [6], M. Gawlicki (with reference to empirical data until 2007) [7], J. Sługocki (only with reference to immovable monuments) [8, p. 121-61], J. Szałygin [9], J. Wendlandt [10, p. 191-200], K. Zalaśńska, and K. Zeidler [5, p. 145-53; 11, p. 63-100, 113-7]. The author tries to stand out by presenting an analysis of the data on the entry into the register of monuments, as of 30 June 2018, referring to the most recent data.

The aim of the deliberations that were undertaken is to present entry in the register of monuments as a statutory form of administrative and legal protection of monuments in Poland. This important task also includes identification of regional disparities (differences) in the practice of implementation of entry into the register of monuments in the provinces, as of June 2018. The author put forward the thesis that entry in the register of monuments is an important way of protecting cultural assets in Poland after 2003, while the practice of use of the administrative and legal form of monument protection discussed herein may testify to the particularly rich historical stock of individual Polish provinces.

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<sup>1</sup> Other authors see the essence of cultural security in the development of cultural heritage and its protection against harmful external influences. T. Jemiolo. *Bezpieczeństwo kulturowe w warunkach globalizacji i procesów społecznych*. Zeszyt Problematyki TWO. 2001;3, p. 20. Equally important is the view that emphasizes the special role of public administration in guaranteeing the protection of national identity and protecting society from threats to national culture and language, as well as to religion. A. Dawidczyk. *Nowe wyzwania, zagrożenia i szanse dla bezpieczeństwa Polski u progu XXI wieku*. Warszawa: AON; 2001, p. 16. The positive approach to cultural security, which implies an emphasis on the participation of the state in development of the existing cultural heritage of the state and the nation, should be regarded as interesting. W.M. Hrynicky. *Pojęciowe aspekty bezpieczeństwa kulturowego oraz jego zagrożenia w Europie*. Kultura Bezpieczeństwa. Nauka. Praktyka. Refleksje. 2014;16, p. 195. In the literature, attempts have been made to link cultural security with the notion of protection of cultural heritage, i.e. protection of cultural objects. T. Kośmider. *Kulturowy wymiar bezpieczeństwa państwa polskiego – wyzwania i zagrożenia*. Rozprawy Społeczne. 2014;8(1), p. 28-9. The last of the above-mentioned research approaches seems to be the most adequate from the point of view of the considerations undertaken in this article in connection with the treatment of entry into the register of monuments as a particularly important administrative and legal form of protection of the cultural heritage of the Republic of Poland.

<sup>2</sup> The article does not indicate any detailed differences, but also any terminological relations between the concepts of a cultural object and a monument, because they were explained by the author in the article referring to the protection of cultural objects in Poland, including legal changes in the historical process after 1918. T. Landmann. *Ochrona dóbr kultury w Polsce na przełomie XX i XXI wieku w perspektywie bezpieczeństwa kulturowego – regulacje prawne*. In: M. Kopczewski (ed.). *Paradygmaty bezpieczeństwa: historia i współczesność*. Wrocław: Wydawnictwo WSOWL; 2017, p. 137-8.

## **1. Legal characteristics of the institution of entry of a cultural object into the register of monuments**

Entry in the register of monuments remains one of the statutory forms of monument protection in Poland pursuant to Article 7(1) of the Act of 23 July 2003 on protection of and care for monuments (hereinafter: APCM) [12]. Protection of monuments is the main object of protection of the cultural heritage of Poland [13] and entry into the register of monuments can be treated as an important element of strengthening of the cultural heritage. Other legal forms of monument protection are related to entry into the Heritage Treasure List, recognition as a historical monument, creation of a cultural park, as well as establishment of protection under the local spatial development plan or under the decision on the development conditions, the decision on location of a public-purpose investment project, the decision on permission to perform a road investment project, to situate a railway line, or to implement an investment project in the field of a public-use air field. Pursuant to Art. 8(1)-(2) of the APCM, the register of monuments located within a province is kept by the provincial historic preservation officer, whereby registers for immovable, movable, and archaeological monuments are kept in the form of separate books. The register is not used to collect a catalogue of monuments included in the Heritage Treasures List, in the inventory of a museum, or in the national library stock (Art. 11 of the APCM). The overriding purpose of the register is to fulfill the recording and documentation function, with the resulting description and monitoring of the stock of monuments in the country [9, p. 121].

Entry in the register of monuments is made by virtue of an administrative decision of the provincial historical preservation officer. The legally required elements of the decision are: designation of the issuing authority, date of issue, designation of the party or parties, reference to the legal basis, decision, statement of legal and factual justification, advice on the possibility and procedure for appealing against the decision, as well as a signature, with the name and position of a member of the staff of the authority authorized to issue the decision (or a qualified electronic signature if the decision is issued in the form of an electronic document) [Cf. 14, Art. 107 (1)]. The issuance of a decision on the entry into the register of monuments is a result of an administrative procedure in which the evidence determining the essence of an object or group of objects included in the register of monuments is collected and evaluated. A characteristic feature of the procedure in question is the fact that it may be initiated *ex officio*, i.e. as a result of the activities of the provincial historic preservation officer, or at the request of a party, i.e. persons or institutions demonstrating a specific legal interest in relation to the protection of cultural objects that may obtain the status of registered monuments. Pursuant to Art. 31 (1-5) of the Code of Administrative Procedure, in a case concerning another person, the right to file a request to initiate proceedings to enter an object into the register of monuments *ex officio* by a provincial historic preservation officer is also granted to a social organization, if its statutes include the objective of participation in the protection of cultural heritage and if the admission of the organization to the proceedings is justified by the public interest. Thus, the legislator has combined public-law protection of monuments with the possibility for public organizations to participate in the system of protection of and care for monuments.

The procedure for entering a movable monument into the register of monuments is of a special nature, as the decision is issued by the provincial historic preservation officer in response

a previously submitted application of the owner of the monument itself. The administrative decision may be issued ex officio by the provincial historic preservation officer only in exceptional circumstances. Legal and factual justifications include concern about destruction, damage, illegal exportation of a monument abroad, or exportation of a monument of exceptional artistic, historical or scientific value (Art. 10 (1-2) of the APCM).

Detailed regulations on keeping of the register of monuments were included in a separate regulation of the Minister of Culture and National Heritage issued on 26 May 2011 [15]. Legally protected monuments are entered into the books marked with the letters "A" (immovable monuments), "B" (movable monuments), and "C" (archaeological monuments). For each book there is an alphabetical index of places where the listed monuments are located. Each book consists of 11 sections, which include such types of information as register number, entry into the register, object and scope of protection, location or place of storage of the object, land and mortgage register number for archaeological and immovable monuments, information about the owner and holder of the monument, entry concerning possible deletion from the register, as well as additional notes. An entry in the relevant register book is made by the provincial historic preservation officer when the decision on the entry becomes final. The regulation additionally regulates all legally required elements of registration cards in case of immovable, movable, and archaeological monuments.

The justification for deletion from the register of historical monuments is – in accordance with Art. 13 of the APCM – the fact of destruction of the monument to the extent that it loses its artistic, historical, or scientific value, or the occurrence of a situation as a result of which the value of the monument being the basis for the issuance of a decision on entry is not confirmed by new scientific research results. A part of the protected monument can also be deleted from the register. If a monument is deleted from the register, its surroundings are also deleted. The automatic legal effect in the form of deletion from the register also occurs when a monument is entered into the Heritage Treasure List or into a museum's inventory, or when it becomes a part of the national library stock. In the current legal status, the Minister of Culture and National Heritage is the competent authority to issue a decision on the deletion of a cultural object from a register of monuments.

It should be mentioned that apart from the register of monuments, there are also systems of national, provincial, and commune-level records of monuments<sup>3</sup>. In practice, the nation-

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<sup>3</sup> It may be assumed that, in terms of functioning of the register of monuments, the basis for decentralization of the administrative and legal form of monument protection in Poland has been formed. The legislator was striving to find the optimal organization of bodies that specialize in protection of monuments, also in terms of their records as an important task contributing to strengthening of the protection of the analyzed category of cultural objects. The concept of decentralization within the framework of monument protection was, in a way, imposed in connection with the directions of the reforms of the structure of public administration after 1989. W. Kowalski, K. Zalasńska. *Prawo ochrony dziedzictwa kulturowego w Polsce – próba oceny i wnioski*. In: B. Szmygin (ed.). *System ochrony zabytków w Polsce – analiza, diagnoza, propozycje*. Lublin: Politechnika Lubelska; Warszawa: Polski Komitet Narodowy ICOMOS; 2011, p. 9. The entry into force of the provisions of the APCM enabled an actual decentralization of tasks in the subject of the analysis described herein. It can be assessed that it was a desirable standard in the context of democratization of public life, as well as reorganization of the functioning of public administration after the entry into force of the so-called self-government acts, i.e. the laws regulating the basis for the functioning of province, district, and commune/municipality-level governments. More information on the issue of decentralization of public administration tasks within the administrative and legal system of monument protection in Poland can

al monuments record is the object of documentation activities on the part of the National Heritage Institute after the name and scope of activity of the National Center for Studies and Documentation of Monuments were changed by virtue of the order of the Minister of Culture and National Heritage in 2010 [16]. The most important role in the monument records system on the central level is played by the General Historic Preservation Officer [17, p. 138], who is also the secretary or undersecretary of state in the office supporting the Minister of Culture and National Heritage, pursuant to Art. 90 (1) of the APCM.

In the case of the register of monuments on the provincial level, cooperation between provincial historic preservation officers and local commune heads (mayors or city presidents), as well as district heads, in the field of transferring to these public administration bodies the list of monuments located in provincial registers is particularly important for the administrative and legal practice of monument protection in Poland [18, p. 125].

On the commune/municipal level, the record of monuments has a special role in effective protection of cultural objects in Poland. By virtue of the amendment of the APCM adopted on 18 March 2010, it became a legal form of monument protection [19]. It was the legislator's intention to increase the role of the commune/municipal system of protection of such cultural objects and this lead to "consequences having the nature of a sovereign entry into the complex of ownership rights" [20, p. 18] at the moment when a given object is entered into the communal record of monuments. The functioning of the systems of national, provincial, and commune/municipal record monuments is regulated in more detail by Art. 22 of the APCM.

## **2. Functioning of the institution of registration of a cultural object into the register of monuments in practical terms**

The register of monuments contains records of various types of cultural objects that are legally classified as monuments. Table 1 refers to the data presenting the spatial and objective diversification of immovable monuments entered into the register of monuments in Poland. As an additional explanation, it should be stated that immovable monuments include a catalogue of cultural objects protected by virtue of their entry into the register of monuments that is the most objectively diversified. For the sake of clarity of the presented statistical data, only those types of immovable monuments whose number was over 5,000 in a given category on a national scale were included in separate categories. Immovable monuments from other categories are included in the "other" classification. They consisted of monuments within the framework of urban planning, defensive monuments, industrial structures, farm buildings, transport monuments, cemeteries, landscaping structures, and other cultural objects that, according to the binding regulations on the protection of cultural objects in Poland, have not been assigned to any of the other classes of immovable monuments.

In 2018, 76,610 immovable monuments were classified in Poland, while residential monuments (29.1% of all objects) and sacral monuments (15.9% of all objects) dominated in the different categories. In terms of the number of immovable monuments entered into the register of monuments in book "A", the largest number of cultural objects was protected in the following provinces: Dolnośląskie (8,770 objects), Wielkopolskie (7,782 objects), Mazowieckie

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be found in K. Zalaszińska. *Decentralizacja zadań z zakresu ochrony zabytków – stan obecny i perspektywy zmian ustroju administracji konserwatorskiej*. Ochrona Zabytków. 2015;2, p. 163-8.

**Table 1.** Statistical list of immovable monuments entered into the register of monuments

| Province            | Sacral        | Residential   | Manors and palaces | Public-use   | Historical greenery sites | Other         | Total         |
|---------------------|---------------|---------------|--------------------|--------------|---------------------------|---------------|---------------|
| Dolnośląskie        | 1,385         | 2,700         | 797                | 738          | 827                       | 2,323         | 8,770         |
| Kujawsko-Pomorskie  | 540           | 672           | 595                | 228          | 414                       | 1,029         | 3,478         |
| Lubelskie           | 824           | 757           | 483                | 223          | 575                       | 1,473         | 4,335         |
| Lubuskie            | 554           | 2,436         | 281                | 199          | 201                       | 852           | 4,523         |
| Łódzkie             | 516           | 721           | 315                | 197          | 393                       | 729           | 2,871         |
| Małopolskie         | 934           | 1,787         | 466                | 379          | 449                       | 2,122         | 6,137         |
| Mazowieckie         | 1,003         | 2,247         | 775                | 639          | 938                       | 2,009         | 7,611         |
| Opolskie            | 575           | 1,225         | 190                | 187          | 234                       | 921           | 3,332         |
| Podkarpackie        | 1,119         | 1,514         | 356                | 308          | 368                       | 1,500         | 5,165         |
| Podlaskie           | 531           | 714           | 109                | 160          | 112                       | 791           | 2,417         |
| Pomorskie           | 505           | 1,036         | 323                | 279          | 297                       | 1,179         | 3,619         |
| Śląskie             | 612           | 1,670         | 227                | 416          | 214                       | 1,061         | 4,200         |
| Świętokrzyskie      | 502           | 277           | 210                | 84           | 221                       | 608           | 1,902         |
| Warmińsko-Mazurskie | 608           | 2,209         | 383                | 317          | 449                       | 2,339         | 6,305         |
| Wielkopolskie       | 1,172         | 1,849         | 1,046              | 543          | 1,045                     | 2,127         | 7,782         |
| Zachodniopomorskie  | 870           | 476           | 371                | 313          | 755                       | 1,378         | 4,163         |
| <b>Total</b>        | <b>12,250</b> | <b>22,290</b> | <b>6,927</b>       | <b>5,210</b> | <b>7,492</b>              | <b>22,441</b> | <b>76,610</b> |

Source: Prepared by the author on the basis of [21].

(7,611 objects), Warmińsko-Mazurskie (6,305 objects), Małopolskie (6,137 objects), and Podkarpackie (5,165 objects). Only in each of these six provinces there were at least 5,000 cultural objects classified as immovable monuments. In the aforementioned provinces there were 54% of all the immovable monuments in Poland.

Table 2 shows data related to book "B" of the register of monuments, i.e. related to protection of movable monuments.

In 2018, 261,503 movable monuments were in the register of monuments were subject to administrative and legal protection in Poland, of which equipment of temples constituted 73.8% of all the monuments, collections constituted 18.5%, and other types of movables<sup>4</sup> constituted 7.5% of all the monuments. The largest part of the historic stock (62.4% of all the movable monuments in the country) is located in the following provinces: Podkarpackie

<sup>4</sup> This group includes coins, technical products, musical instruments, folk art and handicrafts, works of art, library documents, as well as objects commemorating the activities of outstanding people and institutions or historical events. Cf. Ustawa z dnia 23 lipca 2003 roku o ochronie zabytków i opiece nad zabytkami (tekst jednolity: Dz.U. 2017, poz. 2187), Art. 6 (1) (2).

**Table 2.** Statistical list of movable monuments entered into the register of monuments

| Province            | Type of monuments |               |               | Total          |
|---------------------|-------------------|---------------|---------------|----------------|
|                     | Temple equipment  | Collections   | Other         |                |
| Dolnośląskie        | 35,026            | 392           | 4,496         | 39,914         |
| Kujawsko-Pomorskie  | 9,757             | 88            | 455           | 10,300         |
| Lubelskie           | 17,111            | 779           | 1,377         | 19,267         |
| Lubuskie            | 5,788             | 0             | 692           | 6,480          |
| Łódzkie             | 12,777            | 602           | 927           | 14,306         |
| Małopolskie         | 21,424            | 1,087         | 3,473         | 25,984         |
| Mazowieckie         | 14,097            | 3,538         | 3,102         | 20,737         |
| Opolskie            | 7,164             | 744           | 439           | 8,347          |
| Podkarpackie        | 14,811            | 36,345        | 1,457         | 52,613         |
| Podlaskie           | 3,984             | 65            | 510           | 4,559          |
| Pomorskie           | 5,887             | 65            | 141           | 6,093          |
| Śląskie             | 5,060             | 2,193         | 682           | 7,935          |
| Świętokrzyskie      | 11,469            | 1,251         | 1,096         | 13,816         |
| Warmińsko-Mazurskie | 4,840             | 265           | 78            | 5,183          |
| Wielkopolskie       | 21,842            | 1,036         | 972           | 23,850         |
| Zachodniopomorskie  | 2,002             | 4             | 113           | 2,119          |
| <b>Total</b>        | <b>193,039</b>    | <b>48,454</b> | <b>20,010</b> | <b>261,503</b> |

*Source: Prepared by the author on the basis of [22].*

(52,613 monuments), Dolnośląskie (39,914 monuments), Małopolskie (25,984 monuments), Wielkopolskie (23,850 monuments), and Mazowieckie (20,737 monuments). These five provinces are the only ones to exceed the number of 20,000 movable monuments entered in book “B” of the register of monuments. All of them were among the provinces with the largest stock of immovable monuments in Poland (Table 1).

Table 3 shows data on the number of decisions on entry into book “B” of the register of monuments in comparison with the total number of registered cultural objects from the movable monuments category.

It turned out that most of the individual decisions to enter a cultural object in book “B” of the register of monuments were made in provinces where a large number of such cultural objects were protected. Moreover, a significant number, exceeding 1,000 decisions, was observed in such provinces as Opolskie and Śląskie. Most decisions were issued in the Dolnośląskie (2,553) and Mazowieckie (2,025) provinces.

It can be assumed that from the point of view of administrative costs of legal protection of monuments, the most advantageous situation is to protect as many monuments as possible

**Table 3.** Statistical list of decisions on entry of movable monuments into the register of monuments compared to the number of movable monuments

| Province            | Number of decisions | Number of movable monuments | Average number of monuments covered by a single decision |
|---------------------|---------------------|-----------------------------|--|
| Dolnośląskie        | 2,553               | 39,914                      | 15.6   |
| Kujawsko-Pomorskie  | 448                 | 10,300                      | 22.9   |
| Lubelskie           | 846                 | 19,267                      | 22.8   |
| Lubuskie            | 400                 | 6,480                       | 16.2   |
| <b>Łódzkie</b>      | 784                 | 14,306                      | 18.2   |
| Małopolskie         | 1,439               | 25,984                      | 18.1   |
| Mazowieckie         | 2,025               | 20,737                      | 10.2   |
| Opolskie            | 1,055               | 8,347                       | 7.9  |
| Podkarpackie        | 1,230               | 52,613                      | 42.7   |
| Podlaskie           | 643                 | 4,559                       | 7.1  |
| Pomorskie           | 642                 | 6,093                       | 9.5  |
| Śląskie             | 1,059               | 7,935                       | 7.5  |
| Świętokrzyskie      | 562                 | 13,816                      | 24.6   |
| Warmińsko-Mazurskie | 351                 | 5,183                       | 14.8   |
| Wielkopolskie       | 1 256               | 23,850                      | 18.9   |
| Zachodniopomorskie  | 574                 | 2,119                       | 3.7  |
| <b>Total</b>        | <b>15,867</b>       | <b>261,503</b>              | <b>16.5</b>  |

Source: Prepared by the author on the basis of [22].

by a single administrative decision. Taking into account the criterion, the average number of monuments covered by a single decision on a national scale was 16.5. The average result for the country was exceeded by 7 provinces (Kujawsko-Pomorskie, Lubelskie, Łódzkie, Małopolskie, Podkarpackie, Świętokrzyskie, and Wielkopolskie). The best results were achieved in the Podkarpackie Province where, statistically, a single decision, on average, covered nearly 43 movable monuments, while the least favorable results were achieved in the Zachodniopomorskie Province where almost 4 monuments were covered by a single decision to enter an object into book "B" of the register of monuments.

Table 4 shows data on archaeological monuments entered into the register of monuments in Poland.

According to data from June 2018, 7,745 archaeological monuments in Poland were included in book "C" of the register of monuments, almost half of them being settlements and campsites (3,798 objects). On the other hand, almost 23% of the archaeological monuments (1,760 objects) were gords and 17% were cemeteries (1,313 objects). Almost one in ten



**Table 4.** Statistical list of archeological monuments entered into the register of monuments

| Province            | Gords        | Settlements and campsites | Grave fields | Materials production sites | Other      | Total        |
|---------------------|--------------|---------------------------|--------------|----------------------------|------------|--------------|
| Dolnośląskie        | 250          | 898                       | 180          | 31                         | 121        | 1,480        |
| Kujawsko-Pomorskie  | 156          | 17                        | 11           | 0                          | 7          | 191          |
| Lubelskie           | 51           | 6                         | 100          | 2                          | 18         | 177          |
| Lubuskie            | 45           | 374                       | 89           | 4                          | 27         | 539          |
| Łódzkie             | 70           | 23                        | 39           | 0                          | 11         | 143          |
| Małopolskie         | 46           | 328                       | 27           | 13                         | 74         | 488          |
| Mazowieckie         | 82           | 190                       | 69           | 10                         | 56         | 407          |
| Opolskie            | 101          | 875                       | 50           | 30                         | 164        | 1,220        |
| Podkarpackie        | 62           | 270                       | 75           | 2                          | 70         | 479          |
| Podlaskie           | 52           | 38                        | 181          | 1                          | 5          | 277          |
| Pomorskie           | 121          | 192                       | 230          | 11                         | 9          | 563          |
| Śląskie             | 42           | 99                        | 24           | 5                          | 70         | 240          |
| Świętokrzyskie      | 26           | 78                        | 23           | 11                         | 70         | 208          |
| Warmińsko-Mazurskie | 164          | 56                        | 47           | 0                          | 19         | 286          |
| Wielkopolskie       | 249          | 285                       | 115          | 3                          | 25         | 677          |
| Zachodniopomorskie  | 243          | 69                        | 53           | 1                          | 4          | 370          |
| <b>Total</b>        | <b>1,760</b> | <b>3,798</b>              | <b>1,313</b> | <b>124</b>                 | <b>750</b> | <b>7,745</b> |

*Source: Prepared by the author on the basis of [23].*

archaeological monuments was in the category of other monuments (750 objects), while places of production of materials had a marginal share among all the protected archaeological monuments (less than 2% of all objects).

Almost 35% of all archaeological monuments were recorded in two provinces, i.e. Dolnośląskie (1,460 monuments) and Opolskie (1,220 monuments). The number of 500 monuments in this category was also exceeded by three more provinces: Wielkopolskie (677), Pomorskie (563), and Lubuskie (539). All the above-mentioned provinces are located in the region of Western Poland, which allows us to judge the special archaeological heritage of this region.

In order to deepen the analysis, Figure 1 presents data on the deletion of immovable monuments from book "A" of the register of monuments in Poland.

Immovable monuments remain the category of cultural objects that is by far the most vulnerable to the risk of being deleted from the register of monuments. The reasons for deletion result from Art. 13 (1) of the APCM and concern the destruction of an object or a part thereof, as a result of which it loses its artistic, historical, or scientific value, or the occurrence

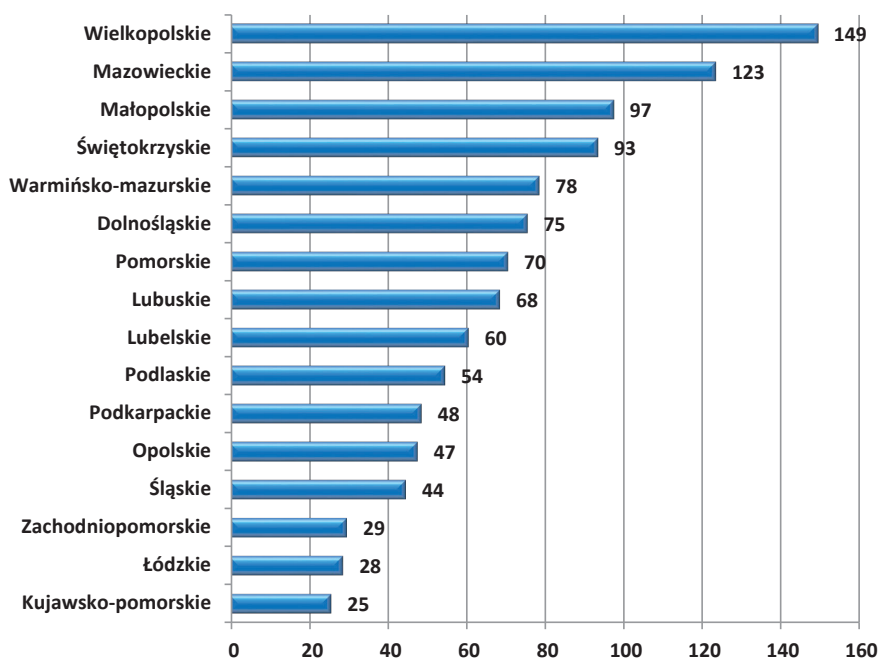


Fig. 1. Deletions from the register of immovable monuments in Poland in 2005-2016

Source: Prepared based on [24, p. 96].

of causes resulting in the absence of scientific grounds for confirming the said value of the object. In the years 2005-2016, 1,088 objects previously recorded as historic monuments were deleted from book "A" of the register of monuments – the largest number of them in the following provinces: Wielkopolskie (149), Mazowieckie (123), Małopolskie (97), and Świętokrzyskie (93). A possible interpretation of this fact is that while the Wielkopolskie, Mazowieckie, and Małopolskie provinces maintained a large number of monuments, despite the deletions made, the situation in Świętokrzyskie remained particularly unfavorable, as the province was ranked last on the national scale as regards the number of immovable monuments with 1,902 objects (Table 1). The number of deletions of objects from book "A" of the register of monuments in the Świętokrzyskie province in the years presented herein reached almost 5% of all the registered immovable monuments in 2018. On the other hand, the provinces with the smallest number of decisions to delete objects from book "A" of the register of monuments included Kujawsko-Pomorskie (25 deletions), Łódzkie (28 deletions), and Zachodniopomorskie (29 deletions).

It should be mentioned that in the practice of the functioning of the register of monuments in Poland, there have been deletions from the register of archaeological monuments in individual provinces. Between 2011 and 2016, 17 decisions were issued to delete archaeological objects from the register of monuments in the country. The largest number of decisions, i.e. 8, was issued in the Wielkopolskie Province, 3 were issued in the Pomorskie province, and 2 – in the Lubelskie and Podkarpackie provinces each. Individual decisions were issued in the Dolnośląskie, Mazowieckie, and Zachodniopomorskie provinces. In the case of 12 out of the 17 deletions, the applications were submitted by private owners, while the remaining applicants were local government units (3 applications), as well as local government and

State Treasury units and companies (2 applications) [24, p. 286]. On the basis of the data presented above, it should be concluded that the deletion of monuments from book “C” of the register of monuments (archaeological monuments) constituted a marginal percentage of all decisions on deletion of cultural objects from the register of monuments in recent years.

## Summary and conclusions

The arguments put forward herein allow for the following conclusions:

1. The entry of a specific cultural object in the register of monuments by virtue of an administrative decision is an important form of administrative and legal protection of monuments and, therefore, a way of protecting the cultural heritage of Poland.
2. The division of monuments into immovable monuments, movable monuments, and archaeological monuments is of fundamental importance for the characterization of the legal essence of the institution of registration of a cultural object in the register of monuments in Poland.
3. The practice of entry of cultural objects in the register of monuments in Poland shows particularly rich and developed, in terms of administrative and legal protection, historical stock in such provinces as Dolnośląskie, Małopolskie, Mazowieckie, Podkarpackie, and Wielkopolskie, as well as Warmińsko-Mazurskie (for immovable monuments) and Opolskie (for archaeological monuments).

Based on the arguments presented herein, it is possible to confirm the thesis was put forward in the introduction that entry in the register of monuments is an important way of protecting cultural assets in Poland after 2003 and the practice of use of the analyzed administrative and legal form of monument protection testifies to the particularly rich historical stock of some Polish provinces. Current data also show significant disproportions in the field of monument protection on the level of regions, which are visible not only in the number of monuments in the provinces, but also in the costs of issue of administrative decisions in connection with the entry of a cultural object into the register of monuments, or the number of deletions of objects from the register of monuments. The quantitative analysis demonstrated that the cultural heritage of Poland is determined to the greatest extent by the share of different movable monuments, followed by immovable monuments.

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## Conflict of interests

The author declared no conflict of interests.

## Author contributions

The author contributed to the interpretation of results and writing of the paper. The author read and approved the final manuscript.

## Ethical statement

The research complies with all national and international ethical requirements.

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### Wpis do rejestru zabytków jako forma administracyjnoprawnej ochrony dziedzictwa kulturowego w Polsce – aspekty prawne i praktyczne

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#### STRESZCZENIE

Celem artykułu jest charakterystyka wpisu do rejestru zabytków jako ustawowej formy administracyjnoprawnej ochrony zabytków w Polsce i identyfikacja dysproporcji (różnic) regionalnych w praktyce realizacji wpisu do rejestru zabytków w województwach, według stanu na koniec czerwca 2018 roku.

Postawiono tezę, że wpis do rejestru zabytków to ważny sposób ochrony dóbr kultury w Polsce po 2003 roku, natomiast praktyka korzystania z zidentyfikowanej administracyjnoprawnej formy ochrony zabytków może świadczyć o szczególnie bogatych zasobach zabytkowych niektórych polskich województw.

Wpis do rejestru zabytków to niezbędny środek administracyjnoprawnej ochrony zabytków w państwie demokratycznym dbającym o rozwój zasobów kulturowych. Stan kultury zależy w dużej mierze od ochrony zabytków. Zabytki w Polsce cechuje istotne zróżnicowanie pod względem geograficznego rozmieszczenia czy kosztów ich ochrony.

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**SŁOWA KLUCZOWE** dziedzictwo kulturowe, prawo, wpis do rejestru zabytków, zabytek

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