

AGREEMENT

of 10 March 2005

between the General Inspector of Monuments and Chief Commander of Polish Police on the cooperation in the area of prevention and combating cultural property crimes

In order to fulfill properly the obligation resulting from the article 1, paragraph 2, point 3 of the act of 5 April 1990 on the Polish Police (Journal of Laws 2002, No 7, Item 58 with subsequent changes¹) and article 4, point 4 of the act of 23 July 2003 on the protection of monuments and the guardianship of monuments (Journal of Laws, No 162, Item 1568 with subsequent changes²) the General Inspector of Monuments and Chief Commander of Polish Police, hereinafter called the "Parties, agree on the following:

§ 1. 1. The cooperation includes:

1) assignments of state services responsible for the protection of monuments as well as dependant institutions specialized in the protection of monuments, which aim at counteracting cultural property crimes, that can be supported by Police activities;

2) assignments of the Police which aim at preventing crimes and malpractices as well as prosecuting penal acts, that can be supported by the state services responsible for the protection of monuments as well as dependant institutions specialized in the protection of monuments.

2. Cooperation, mentioned in paragraph 1, shall be implemented within the range and method defined in the present agreement, with the consideration of conditions included in paragraph 3.

3. The Agreement does not refer to activities specified in article 15, paragraph 1, point 6 of the act on the Police. The cooperation of particular units of the Police and state services responsible for the protection of monuments within the area of those activities is realized through the mode specified by the regulation of the Council of Ministers, dated 13 August 1996, on the issue of policemen using the aid of state institutions, governmental and self-governmental administration bodies, economic units, social organizations and private persons (Journal of Laws, No 107, Item 501).

§ 2. The cooperation shall be implemented in the following spheres:

1) information exchange;

2) coordination of activities in cases justified by the means of monuments protection effectiveness or urgent necessity of acquiring joint aid for actions which aim at preventing the loss of cultural properties or actions undertaken with the purpose of recovering the lost properties;

3) improving procedures of cultural goods protection.

§ 3. 1. Projects implemented within the area covered by the Agreement shall be undertaken on the petition of the Parties or their authorized representatives.

2. Refusal of cooperation may take place only in cases when the realization of an activity in support of the Party asking for the cooperation would preclude or seriously impede the implementation of statutory goals of the Party asked for cooperation.

3. The authorized representatives of the Parties are designated:

1) to cooperate in the territory of Poland and within their material jurisdiction – directors of particular units of the Police Headquarters and directors of:

- a) Monuments Protection Department of the Ministry of Culture,
- b) Centre of Art Collection Protection,
- c) National Heritage Board of Poland.

2) commanders of particular units of the Police and provincial inspectors of monuments as well as directors of regional offices of the National Heritage Board of Poland³ – to cooperate within their territorial jurisdiction.

4. The submission of petitions, mentioned in point 1, can be authorized only by:

- 1) commanders of particular units of the Police – commanders and heads of dependant units;
- 2) provincial inspectors of monuments – heads of particular units and dependant units of regional divisions of provincial offices for the protection of monuments⁴.

5. In case the area of territorial jurisdiction of provincial office for the protection of monuments or its regional division or the regional office of the National Heritage Board of Poland covers the territorial area of activities of two or more units of the Police, then the cooperation is carried out separately with each of these units.

6. If the authorized representatives, mentioned in point 3, agree that undertaking cooperation in the proposed range or way is uncertain considering the standing rules, than the final decision on the proposal's implementation is taken by the Party asked for cooperation, after aligning with the Party proposing the cooperation.

§ 4. The following cooperation procedures mode is established:

1) petitions, mentioned in § 3 point 1, are submitted adequately to the actual situation, with the consideration of demanded written documentation of the petition, accordingly to inner regulations of the Parties;

2) undertaking cooperation activities shall be preceded by the adequate real joint arrangements or plans; additionally, the cooperation activities shall be coordinately supervised;

3) unless the Parties or their authorized representatives commission creating additional documentation, pointing out the objective and method of use as well as the form and place of storing, the cooperation activities must be recorded and documented accordingly to separate regulations

4) the policemen and employees of the offices for the protection of monuments managing directly cooperation activities shall evaluate up-to-date the process and results of these activities.

§ 5. Realization of the cooperation in the range, forms or ways not specified in the present Agreement may take place only on the basis of a direct arrangement adopted by the Parties, with the consideration of the Police's separate assignments and powers as well as units responsible for the protection of monuments and other legal causations resulting from the standing regulations.

§ 6. 1. Director of the Centre of Art Collection Protection is obliged to submit the information essential for the prevention and counteracting the crime towards monuments to the director of Criminal Bureau of the Police Headquarters. These are in particular:

1) information on the illegal acts which constitute or may be a threat towards monuments;

2) information on the lost or searched and recovered monuments;

3) information on the actions undertaken as a part of restitution of monuments illegally exported out or imported to the territory of the Republic of Poland;

4) information on the planned transportation of monuments of exceptional historical, artistic or material value, including monuments transported from other countries into the territory of the Republic of Poland;

5) annual analyses of the state of security in museums and other obligatory protected units, dependant or supervised by the Minister of Culture.

2. Director of the Criminal Bureau of Police Headquarters is obliged to submit the information on the situations which pose a threat towards the constant preservation of monuments, their management and maintenance. These are in particular:

1) information on the relevant lapses in the sphere of protection of monuments against the loss, destruction or damage;

2) information on stolen or lost monuments;

3) annual analyses of the state of crime threat towards monuments.

§ 7. 1. Director of the Centre of Art Collection Protection shall submit to the Police the information kept in the national registry of stolen or illegally exported monuments.

2. In case the circumstances of the loss of a monument indicate the possibility of illegal exportation of a monument, the director of the Centre of Art Collection Protection shall

immediately submit the relevant information to the director of the Criminal Bureau of Police Headquarters with the purpose of undertaking the prospecting outside the country as a part of police international cooperation.

§ 8. 1. Exchange of information on a person is carried out in the way specified in the regulations on the protection of personal data and in article 20, point 1, 2, 15 and 16 of the act on the Police, with the admonishment, that making the information available from the Police's digital database is conducted only through the Information and Communication Technology Bureau of Police Headquarters.

2. Information obtained by the Police, being the part of investigative activities, are submitted in accordance with the regulations and in the mode specified in article 156 § 5 and article 184 of the Penal Code.

3. Information exchange, mentioned in point. 1 and 2, is carried out in accordance with inner regulations of the Parties and with consideration of rules and limitations resulting from the regulations on the protection of classified information and the act on the Police, and in the sphere of exchange of information kept in digital databases also in accordance with technical conditions established by the director the Information and Communication Technology Bureau of Police Headquarters.

§ 9. 1. Cooperation, mentioned in § 2 point 2, can be implemented in particular through:

- 1) consultations preceding the activities;
- 2) current exchange of information on the process of undertaken activities;
- 3) establishing joint coordination teams for the planning of cooperation process, direct management and supervision of activities or for analyses and evaluation of results of these activities;
- 4) controlling activities undertaken by the units responsible for the protection of monuments on the petition of authorized representatives of the Police;
- 5) Police support in the area of monuments' transportation.

2. Coordination teams are called into being by the Parties or their authorized representatives; the head of the team is designated by the Party proposing the creation of a team.

§ 10. 1. On the basis of the petition submitted by director of the Centre of Art Collection Protection to the director of the Criminal Bureau of Police Headquarters, the Police renders the support in the sphere of protection of monuments' transportation – the support is based on the following:

- 1) Police support of the escort of monuments, organized in the territory of the Republic of Poland by the owners, whose transportation is covered by the guaranty of the Treasury's insurance, on the basis of separate regulations, for the destroyed, damaged or stolen exhibits;

2) Police support of the escort of monuments, organized in the territory of the Republic of Poland, different than those mentioned in point 1, in case they are of exceptional historical, artistic or material value and as long as such operation does not interfere with the Police's statutory goals.

2. Director of the Centre of Art Collection Protection informs the director of the Criminal Bureau of Police Headquarters about the content of petitions for the guaranty, submitted by the organizers of exhibitions, in the area of detailed description of means and conditions of protection of exhibits during the transportation and about the place of exhibition.

3. Detailed range of support, mentioned in point 1, is specified by the regulations of Enclosure No 3 to the regulation of 15 October 2003 of the Minister of Culture on the protection of collections in museums against fires, robberies and other threats of damage or loss of exhibits as well as the methods of exhibits' readiness for evacuation in case of a threat. (Journal of Laws No 193, Item 1892).

§ 11. 1. The employees of the offices responsible for the protection of monuments, designated by the authorized representatives of the General Inspector of Monuments, may participate as advisers and consultants in the field of procedures of the protection and guardianship of monuments in the activities undertaken by the Police on the basis of the regulations on the protection of persons and properties.

2. The policemen, designated by the authorized representatives of the Chief Commander of Polish Police, may participate as advisers and consultants in the field of procedures of protection of monuments against the loss and criminal acts in the activities undertaken by the institutions responsible for the protection of monuments on the basis of the regulations on the protection and guardianship of monuments.

§ 12. Cooperation, mentioned in § 2, point 3, can be carried out by the means of:

1) exchange of various conceptions and training materials concerning the protection of monuments as well as prevention and counteracting crime towards monuments , with special reference to unknown criminal ways and methods;

2) organizing joint trainings within the range specified in point 1 for the policemen and employees of the offices responsible for the protection of monuments.

§ 13. All activities undertaken on the basis of the present Agreement, with exception of activities specified in § 7 article 1 and § 10 article 1, are submitted to financial reckoning accordingly to the following rules:

1) particular units of the Police and institutions responsible for the protection of monuments cover integrally the costs of activities carried out exclusively in their support;

2) costs of joint activities, carried out at the same time in support of the Police and institutions responsible for the protection of monuments, are covered in jointly agreed proportions;

3) the amount of costs submitted to financial reckoning are established on the level of real expenditures.

§ 14. Interpretation of agreements of the present Agreement shall be determined by the Parties or their representatives by the way of alignments.

§ 15. 1. Commanders of particular Police units and provincial inspectors of monuments are obliged to adjust the conditions and mode of currently undertaken cooperation to conditions established in the present Agreement – within the period of 3 months since this Agreements will have entered into force. The adjustment shall be implemented through the written administrative arrangements or joint establishment of detailed procedures of particular actions, with the reference to the rules mentioned in § 13.

2. In case of changes, which would influence the range of competences of units and institutions mentioned in the present Agreement, the Parties shall exchange the relevant information.

§ 16. 1. The present Agreement is contracted for an indefinite time.

2. Changes or dissolution of the Agreement can be made in the form of the written annex agreed and signed by the parties.

3. The Agreement can also be dissolved by the way of a decision of one of the Parties, submitted to the other Party in the form of the written announcement 30 days before the requested time of dissolution. In such case the later cooperation of the parties is carried out accordingly to the rules defined in proper acts and regulations and through the announcement of particular petitions in this area.

4. This Agreement has been created and signed in two copies, one copy for each Party, with each copy having the significance of an original.

§ 17. The following items become invalid:

1) agreement adopted on 11 March 1991 between the Prevention Bureau of Police Headquarters and National Service for the Protection of Monuments, documented by the paper of the General Inspector of Monuments I. dz. OOM-185/91;

2) agreement adopted on 2 February 1993 between the General Inspector of Monuments and Chief Commander of Polish Police on the cooperation in prevention and counteracting crimes towards national cultural properties.

§ 18. The Agreement shall enter into force 14 days after the date of the signature.

¹ Changes of the content of the act of 6 April 1990 on the Police established in the Journal of Laws 2002 No 7, Item 58 were announced in the Journal of Laws 2002: No 19, Item 185, No 74, Item 676, No 81, Item 731, No 113, Item 984, No 115, Item 996, No 153, Item 1271, No 176, Item 1457 and No 200, Item 1688 and of the year 2003 No 90, Item 844, No 113, Item 1070, No 130 Item 1188 and 1190, No 137, Item 1302, No 166, Item 1609, No 192, Item 1873 and No 210, Item 2036 and of the year 2004 No 171, Item 1800, No 179, Item 1842, No 210, Item 2135, No 273, Item 2703 i No 277, Item 2772 and of the year 2005 No 10, Item 70.

² Changes in this act were announced in the Journal of Laws 2004 r. No 92, Item 880, No 96, Item 959 and Noo238, Item 2390.

³ List of regional offices of the National Heritage Board of Poland is given in Enclosure No 1.

⁴ List of regional divisions of provincial offices for the protection of monuments is given in Enclosure No 2.

Enclosures to the Agreement of 10 March 2005 (Item 29) between the General Inspector of Monuments and Chief Commander of Polish Police

Enclosure No 1

LIST OF REGIONAL OFFICES OF THE NATIONAL HERITAGE BOARD OF POLAND

1. Białystok
2. Gdańsk
3. Kielce
4. Kraków
5. Lublin
6. Łódź
7. Poznań
8. Rzeszów
9. Szczecin
10. Toruń
11. Wrocław

Enclosure No 2

LIST OF REGIONAL DIVISIONS OF THE PROVINCIAL OFFICES FOR THE PROTECTION OF MONUMENTS

1. Provincial Office for the Protection of Monuments in Białystok:
 - 1.1. Division in Łomża
 - 1.2. Division in Suwałki
2. Provincial Office for the Protection of Monuments in Gdańsk:
 - 2.3. Division in Słupsk
3. Provincial Office for the Protection of Monuments in Katowice:
 - 3.4. Division in Bielsko-Biała

- 3.5. Division in Częstochowa
- 4. Provincial Office for the Protection of Monuments in Kielce:
 - 4.6. Division in Sandomierz
- 5. Provincial Office for the Protection of Monuments in Kraków:
 - 5.7. Division in Nowy Sącz
 - 5.8. Division in Tarnów
- 6. Provincial Office for the Protection of Monuments in Lublin:
 - 6.9. Division in Biała Podlaska
 - 6.10. Division in Chełm
 - 6.11. Division in Zamość
- 7. Provincial Office for the Protection of Monuments in Łódź:
 - 7.12. Division in Piotrków Trybunalski
 - 7.13. Division in Sieradz
 - 7.14. Division in Skierniewice
- 8. Provincial Office for the Protection of Monuments in Olsztyn:
 - 8.15. Division in Elbląg
 - 8.16. Division in Ełk
- 9. Provincial Office for the Protection of Monuments in Poznań:
 - 9.17. Division in Kalisz
 - 9.18. Division in Konin
 - 9.19. Division in Leszno
 - 9.20. Division in Pile
- 10. Provincial Office for the Protection of Monuments in Przemyśl:
 - 10.21. Division in Krosno
 - 10.22. Division in Rzeszów

- 10.23. Division in Tarnobrzeg
- 11. Provincial Office for the Protection of Monuments in Torun:
 - 11.24. Division in Bydgoszcz
 - 11.25. Division in Włocławek
- 12. Provincial Office for the Protection of Monuments in Szczecin:
 - 12.26. Division in Koszalin
- 13. Provincial Office for the Protection of Monuments in Warsaw:
 - 13.27. Division in Ciechanów
 - 13.28. Division in Ostrołęka
 - 13.29. Division in Płock
 - 13.30. Division in Radom
 - 13.31. Division in Siedlce
- 14. Provincial Office for the Protection of Monuments in Wrocław:
 - 14.32. Division in Jelenia Góra
 - 14.33. Division in Legnica
 - 14.34. Division in Wałbrzych
- 15. Provincial Office for the Protection of Monuments in Zielonej Górze:
 - 15.35. Division in Gorzów Wielkopolski.