

REPORT OF **POLAND** ON THE IMPLEMENTATION OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

in the period 2010-2012

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PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE PROTOCOL

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 2 - Definitions:

1. **Is the definition of plans and programmes for the purpose of the Protocol the same in your legislation as in article 2, paragraph 5? Please specify.**

- a) Yes ☐
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There are no definitions of plans and programmes in the legislation ☒

Your comments:

2. **Is the definition of “environmental, including health effect” in your legislation the same as in article 2, paragraph 7? Please specify.**

- a) Yes ☐
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There is no definition of “environmental, including health effect” in the legislation ☒

Your comments:

There is no direct definition in *The EIA/SEA Act of Law*. Nevertheless, the article 3 paragraph 2 of above-mentioned *Act of Law* says that for the purpose of this Act, the impact on the environment shall also mean the impact on human health.

3. **Is the definition of “the public” according to article 2, paragraph 8, in your legislation the same as in the Protocol? Please specify.**

- a) Yes ☒
- b) Yes, with some differences:
- c) No (please provide the definition):
- d) There is no definition of the public in the legislation ☐

Your comments:

Moreover, according to the article 4 and 5 of *The EIA/SEA Act of Law* the right to information on the environment and its protection and the right to take part in the procedure requiring public participation has every person.

4. Are there any conditions for non-governmental organizations to be able to take part in the assessment procedure? Please specify.

a) Yes (please provide the conditions):

b) No ☒

Your comments:

The non-governmental organizations take part in SEA within public participation.

Article 3 – General provisions:

5. Provide legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (you can choose more than one option).

a) Law on SEA (please indicate number/year/name):

The Act of Law of 3 October 2008 on the Provision of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments (so called *The EIA/SEA Act of Law*). Official Journal of the Law 08.199.1227 as amended.

b) SEA provisions are transposed into another law(s) (please specify):

c) Regulation (please indicate number/year/name):

d) Administrative (please indicate number/year/name):

e) Other (please specify):

Your comments:

6. Indicate the specific legislation in your country, if any, that assures that the requirements of article 3, paragraphs 6 and 7, are met, and that these rights of the public are observed (you can choose more than one option).

a) Constitution ☒

b) Law on public participation (please indicate number/year/name):

c) Law on SEA ☐

d) Legislation which transposes the Protocol on SEA (please indicate number/year/name):

e) *Legislation which transposes the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters* (please indicate number/year/name):

f) Other (please, specify):

Your comments:

Additionally it is worth to note that, *The EIA/SEA Act of Law* does not limit by no means the public participation. It means that every person may take part in the public participation and comment on.

Article 4 – Field of application

7. List the types of plans and programmes that require SEA in your legislation (art. 4, para. 2).

According to the article 46 of *The EIA/SEA Act of Law* a strategic environmental assessment shall be required for:

- 1) draft concept of national spatial planning policy, a draft study on the conditions and directions of local spatial development, draft spatial development plans and draft regional development strategies;
- 2) draft policies, strategies, plans or programmes in the fields of industry, energy, transport, telecommunications, water management, waste management, forestry, agriculture, fisheries, tourism and land use, drawn up or adopted by the administration authorities, setting out a framework for the subsequent implementation of projects likely to have a significant impact on the environment;
- 3) draft policies, strategies, plans or programmes other than those listed in points 1 and 2 the implementation of which is likely to have a significant impact on a Natura 2000 site, where they are not directly related to the protection of the Natura 2000 site or not result from such protection.

Moreover, article 47 *The EIA/SEA Act of Law* says that the conduct of a strategic environmental assessment shall also be required in the case of draft documents other than those in Article 46, where in agreement with the relevant authority (environmental and health authorities), the administration authority which prepares the draft document states that they set out a framework for the future implementation of projects likely to have a significant impact on the environment and the implementation of the provisions of these documents may cause a significant impact on the environment. Furthermore, pursuant to the article 50 of *The EIA/SEA Act of Law* the conduct of SEA shall also be required in the case where the already adopted document is modified.

8. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2).

The article 46 point 2 of *The EIA/SEA Act of Law* refers to the draft documents which set out a framework for the subsequent implementation of projects likely to have a significant impact on the environment. The list of such projects is included in the *Regulation of the Council of Ministers of 9 November 2010 on types of projects likely to have significant effects on the environment* (J.O. No. 213, item 1397), which transposed the annex I and II of the UE Directive on EIA into national legislation.

9. Explain how the terms “plans and programmes . . . which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation.

The expression of „small areas at local level“ is interpreted in national legislation as the „areas within the limits of one commune“ (article 48 of *The EIA/SEA Act of Law*).

10. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4).

There is no separate legal definition of a „minor modification“. Each case is analyzed individually by the relevant environmental authority (case-by-case approach) in order to find whether or not the proposed modification is likely to have a significant impact on the environment, namely whether or not it sets out the framework for the subsequent implementation of projects likely to have a significant impact on the environment.

Article 5 – Screening

11. How do you determine which other plans and programmes should be subject to a SEA according to article 4, paragraphs 3 and 4 (art. 5, para. 1)? Please specify.

- a) On a case-by-case basis ☒
- b) By specifying types of plans and programmes ☐
- c) By using a combination of (a) and (b) ☐
- d) Other (please specify):

Your comments:

According to article 47 of *The EIA/SEA Act of Law* the conduct of a SEA shall also be required in the case of draft documents other than those specified in the legislation, where in agreement with the relevant authority (environmental authority), the administration authority which prepares the draft document states that they set out a framework for the future implementation of projects likely to have a significant impact on the environment and the implementation of the provisions of these documents may cause a significant impact on the environment.

12. Describe the procedures required in your legislation for consulting the environmental and health authorities (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 1). If different in screening, scoping and on the draft plans and programmes and the environmental report, please specify.

- Screening:

At the screening stage consultation with environmental and sanitary inspection authorities is needed in the case if draft document is not specified in the legislation as requiring the SEA but set out a framework for the future implementation of projects likely to have a significant impact on the environment and the implementation of the provisions of these documents may cause a significant impact on the environment. Furthermore, consultation is needed in the case where the already adopted document is modified.

- Scoping:

In the line with article 53 of *The EIA/SEA Act of Law* the authority which prepares the draft document specified in the legislation as requiring the SEA or having such an obligation resulted from screening stage, shall obtain the approvals of the competent authorities (environmental and sanitary inspection authorities) for the scope and level of details of the information required in the environmental report.

- Plans/Programmes and environmental report:

At this stage, in accordance with article 54 of *The EIA/SEA Act of Law* the draft document shall be made, along with the environmental impact report, subject to the opinion of the competent authorities (environmental and sanitary inspection authorities).

13. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)? If yes, please specify (you can choose more than one option).

- a) By sending written comments to the competent authority ☐
- b) By sending written comments to the local municipality ☐

- c) By providing answers to a questionnaire ☐
- d) By taking part in a public hearing ☐
- e) There are no opportunities for public participation in screening and/or scoping ☒
- f) Other (please specify):

Your comments:

The public is provided only with the opportunities to become acquainted with the draft document and its environmental report as well as comment on. No public involvement at the screening and scoping stages.

14. At what stage of the procedure for a plan or programme does your legislation require you to make the screening decision publicly available? What information do you provide in the screening decision (art. 5, para. 4)?

National legislation does not require to issue the screening decision within the meaning of *The Administrative Procedure Code*. Nevertheless, the analysis of a screening nature are carried out. In the case where the authority responsible for preparing the draft document, decides on the basis of such screening analysis do not carry out the SEA, then is obliged to inform the public without an undue delay of its decision. Contrary, if the SEA is carried out then public is informed about each step within the public participation in the preparation of documents.

Article 6 – Scoping

15. How do you determine what is relevant information to be included in the environmental report in accordance with article 7, paragraph 2 (art. 6, para. 1)? Please specify (you can choose more than one option).

- a) By using annex IV ☒
- b) By using the comments from the concerned authorities ☒
- c) By using the comments from the public concerned, if it has been consulted ☐
- d) As determined by the competent authority based on its own expertise ☐
- e) By using other means (please specify):

Your comments:

The authority which prepares the draft document has an obligation to consult the scope and level of detail of the information required in the environmental report with environmental and sanitary inspection authorities accordingly to the article 53 of *The EIA/SEA Act of Law*. These authorities make the approvals of the scope taking into account requirements specified in the national legislation that are the same as these in annex IV.

Article 7 – Environmental report

16. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify.

- a) On a case-by-case basis ☐

- b) As defined in the national legislation (please specify): the environmental report shall present reasonable alternatives to those contained in the draft document, along with a justification for their choice, and a description of the methods applied for the assessment resulting in this choice, or the explanation of the absence of reasonable alternatives, including an indication of difficulties encountered as a result of inadequate techniques or gaps in current knowledge. The reasonable alternatives shall be elaborated taking into account the objectives and geographical range of the document as well the purposes and object of the protection of a Natura 2000 site and integrity of this site.

Your comments:

There is no legal definition. Each case is analyzed individually due to the fact that documents that are the subject to the SEA cover very broad range of issues and it is not possible to elaborate one methodology of alternatives assessment.

17. How do you ensure sufficient quality of the reports? Please specify.

- a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments ☒
- b) By using quality check lists ☐
- c) There are no specific procedures or mechanisms ☐
- d) Other (please specify):

Your comments:

However the legislation does not set out the specific procedure, it is worth to note that good practice is that if for example the environmental authority (competent to make an opinion in the field of environmental issues) concludes that the environmental report is of not sufficient quality, then it is usually supplemented or revised by the authority responsible for preparing the draft document accordingly. What is more, if the public participation was carried out on the basis of such incomplete documentation then the public participation stage need to be repeated with supplemented and revised documentation.

Article 8 – Public participation

18. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (you can choose more than one option).

- a) Through public notices ☒
- b) Through electronic media ☒
- c) Through other means (please specify):

Your comments:

Accroding to the article 3 paragraph 1 point 11 of *The EIA/SEA Act of Law* the „notification of the public“ means:

- the provision of information on the website of the Public Information Bulletin of the authority competent in the matter,
- the provision of information in a customary manner at the seat of the authority which is competent in the matter,

- the provision of information by notice in a customary manner and in the press with an appropriate range in the light of the type of the document,
- in the case where the seat of the authority competent in the matter is located in the area of a commune other than the commune which is relevant in terms of its location in the light of the subject matter of the procedure, also by a publication in the press or in a customary manner used in the locality or localities which are relevant in the light of the subject matter of the procedure.

19. How do you identify the public concerned (art. 8, para. 3)? Please specify (you can choose more than one option).

- a) Based on the geographical location of the plans and programmes ☒
- b) By making the information available to all public and letting them identify themselves as public concerned ☒
- c) By other means (please specify):
- d) Your comments:

20. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (you can choose more than one option).

- a) By sending comments to the relevant authority/focal point ☒
- b) By providing answers to a questionnaire ☐
- c) Orally ☒
- d) By taking part in a public hearing ☐
- e) Other (please specify):

Your comments:

Comments and suggestions may be submitted by the public in written form, verbally to be recorded in the minutes and using the means of electronic communications without the need to secure them with the safe electronic signature.

What is more, according to *The Administrative Procedure Code* the deadline for commenting on shall be deemed met if the comments have been sent until the last day (counts date of postmark).

21. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify.

- a) Yes (please provide the definition):
- b) No, the time frame is given by a number of days for each commenting period ☒
- c) No, it is defined case by case ☐
- d) Other (please, specify):

Your comments:

The national legislation says that the public has at least 21-day period for submission of their comments and suggestions.

Article 10 – Transboundary consultations

22. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify.

- a) During scoping ☐
- b) When the draft plan or programme and the environmental report have been prepared ☒
- c) At other times (please specify):

Your comments:

23. As a Party of origin, what information, do you include in the notification (art. 10, para. 2)? Please specify.

- a) The information required by article 10, paragraph 2 ☒
- b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

24. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify.

- a) Yes (please, indicate how long):
- b) No ☒

Your comments:

25. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify.

- a) Following those of the Party of origin ☐
- b) Following those of the affected Party ☐
- c) Other (please specify):

Where the affected Party notifies that it is interested in participating in the transboundary SEA, the General Director for Environmental Protection shall, in agreement with the administration authority which conducts the SEA, agree with this Party the dates of the stages of the procedure for transboundary SEA, taking into account the need to enable the competent authorities and the public of the affected Party to participate in the procedure.

Your comments:

Article 11 – Decision

26. When a plan or programme is adopted, explain how your country ensures that due account is taken of the (art. 11, para. 1).

- a) Conclusions of the environmental report ☒
- b) Mitigation measures ☒
- c) Comments received in accordance with articles 8 to 10 ☒

Your comments:

A written summary containing a justification of the choice of the adopted document in relation to the alternatives considered as well as the information on the manner in which the following has been taken into account and to what extent it has been used shall be enclosed with the adopted document:

- the findings/conclusions of the environmental report,
- the opinions of the competent authorities, namely environmental and sanitary inspection authorities,
- the submitted comments and suggestions,
- the results of the transboundary SEA, where it has been conducted,
- proposals for the method and frequency of monitoring the effects of the implementation of the provisions of the document.

Moreover, this authority is obliged to monitor the effects of the implementation of the adopted document in the scope of its environmental impact.

27. How and when do you inform your own public and authorities (art. 11, para. 2)?

The authority which prepares a draft document requiring public participation shall inform the public that the document has been adopted and about the possibilities of becoming acquainted with its content along with as well as with the justification and summary. What is more the data on documents containing information on the adopted document along with its summary containing a justification of the choice of the adopted document shall be placed in publicly accessible registers. Moreover, the authority which prepares the draft document shall submit it, along with the summary referred above, to the competent environmental and sanitary inspection authorities.

28. How do you inform the public and authorities of the affected Party (art. 11, para. 2)? Please specify.

- a) By informing the point of contact ☐
- b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public ☐
- c) By informing all the authorities involved in the assessment and letting them inform their own public ☐
- d) Other (please, specify):

The national legislation does not clearly indicate how this stage shall be carried out. Article 117 of the EIA/SEA Act of Law says only that the General Director for Environmental Protection shall forward the adopted document along with the summary to the affected Party which participates in the transboundary SEA.

Your comments:

In practice we inform point of contact or the contact person of the ministry responsible for SEA who then inform own authorities and public.

Article 12 – Monitoring

29. **Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2).**

According to the article 55 paragraph 5 of *The EIA/SEA Act of Law* the authority which prepares the document shall be obliged to monitor the effects of the implementation of the adopted document in the scope of its environmental impact, in accordance with the frequency and methods referred to in the written summary enclosed to the adopted document.

Article 13 – Policies and legislation

30. **Do you have national legislation on the application of principles and elements of the Protocol as regards policies and legislation (art. 13, paras. 1–3)? Please specify.**

- a) Yes (please specify which articles of the Protocol apply):
b) No ☒

Your comments:

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010 -2012

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

31. **Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate “yes” if you object).**

- a) Yes ☐
b) No ☒

DOMESTIC AND TRANSBOUNDARY IMPLEMENTATION IN THE PERIOD 2010–2012

32. **Which competent authority/authorities are responsible for carrying out the SEA procedure in your country? Please specify.**

- a) If they are different for different types of plans and programmes ☒
b) If they are different at different levels (national, regional, local) ☒
c) If they are different for domestic and transboundary procedures ☐
d) Please name the responsible authority/authorities: the national legislation does not specify the closed list of authorities that may be responsible for carrying out the SEA

procedure. There is only said that the SEA is carried out by the authority which prepares the draft documents that are a subject to the SEA. The authorities competent to carry out the SEA are distinguished accordingly to the different types and levels of draft strategic documents. Whenever the draft document may have transboundary impacts then the General Director for Environmental Protection, as the central governmental authority, is involved in the transboundary SEA.

33. Does your SEA documentation always include a specific (sub)chapter on information on potential transboundary effects? Please specify.

- a) Yes ☒
- b) No, only when potential transboundary effects are identified ☐

CASES DURING THE PERIOD 2010-2012

34. If possible, provide the (approximate) number of domestic and transboundary SEA procedures initiated during the given period and list them by referring to the sectors in article 4, paragraph 2.

Due to the fact that various authorities, on different levels or in relation to the different types of documents, are responsible for carrying out the SEA, it is quite difficult to provide an information, even approximate, on number of domestic SEA initiated within the given period. What is more, despite the fact that the authorities are obliged to place in publicly accessible registers the data on documents containing information on the environment and its protection, including information on draft documents that are the subject to the SEA, there is no one precise source of information on initiated SEA procedures. It happens mainly due to the fact that each authority performs this obligation through the Public Information Bulletin on their authority's website. However it is worth to note, that the database regarding national EIA and SEA is currently being prepared.

Concerning the transboundary SEA procedures it is easier to provide an information on its number because there is one authority-coordinator, the General Director for Environmental Protection, that is responsible for international cooperation with other countries within transboundary SEA.

Within the given period Poland was Party of origin in 8 cases and affected Party also in 8 cases.

Poland as the Party of origin:

- 1) Spatial Development Plan for West-Pomeranian Voivodship (regional level, spatial planning) – Germany as the affected Party,
- 2) Spatial Development Plan for Lasówka (local level, spatial planning) – Czech Republic as the affected Party,
- 3) Spatial Development Plan for Szczawnica-Jaworki (local level, spatial planning) – Slovakia as the affected Party,
- 4) Spatial Development Plan for Lubuskie Voivodship (regional level, spatial planning) – Germany as the affected Party,
- 5) Spatial Development Plan for Dolnośląskie Voivodship (regional level, spatial planning) – Czech Republic as the affected Party,

- 6) Spatial Development Plan for Jasna Góra (local level, spatial planning) – Czech Republic as the affected Party,
- 7) Spatial Development Plan for Szczawnica-Szafranówka (local level, spatial planning) – Slovakia as the affected Party,
- 8) Polish Nuclear Energy Programme (central level, sectoral plan in the field of energy) – Austria, Czech Republic, Denmark, Estonia, Finland, Latvia, Lithuania, Slovakia, Sweden, Germany were notified.

Poland as the affected Party:

- 1) Spatial Development Plan for Saksonia in Germany – spatial planning,
- 2) Spatial Development Plan for Kemi-Tornio in Finland – spatial planning in relation to the new planned Nuclear Power Plant,
- 3) Spatial Development Plan for Hankivi in Finland – spatial planning in relation to the new planned Nuclear Power Plant,
- 4) Sectoral Plan for mining in Nochten in Germany – sectoral plan in relation to the use of land
- 5) Regional Plan for wind energy in Oderland Spree in Germany – sectoral plan for use of land and energy,
- 6) Regional Plan for wind energy in Lausitz-Spreewald in Germany – sectoral plan for use of land and energy,
- 7) Regional Plan for wind energy development and use of mineral resources in Barnim-Uckermark in Germany - sectoral plan for use of land and energy,
- 8) Plan for transport development in Saksonia in Germany – sectoral plan for transport.

EXPERIENCE WITH THE STRATEGIC IMPACT ASSESSMENT PROCEDURE IN 2010-2012

35. If your country has had practical experience in implementing the Protocol, has this supported the integration of environmental, including health, concerns into the development of plans and programmes? Have the conclusions included in the environmental report influenced the drafting and resulted in altering of a plan or programme? Please, provide examples, if you have this information.

The conclusions of the environmental report usually result in adding mitigating solutions and supplementing the list of monitoring indicators. The major changes in the programme's objectives are relatively rare, but possible.

36. If your country has experienced substantial difficulties interpreting particular terms (or particular articles) in the Protocol, please indicate them. Does your country work together with other Parties to find solutions? If not, how does your country overcome the(se) problem(s)? Please, provide examples, if available.

There are no problems that could be regarded as „substantial“ i.e. affecting the results of the procedure in a significant way, although the lack of clear legal definitions of some terms poses some difficulties to the environmental authorities involved. As described above, whenever terms like „significant impact“ or „reasonable alternatives“ are concerned, a case-by-case analysis is adopted.

37. Please share with other Parties your country's experience of applying the Protocol in practice, if such information is available. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

a) Your country's experience with domestic procedures:

- i. Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes?

Each strategic document that is the subject to the SEA shall be monitored in terms of the results of its implementation.

- ii. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

No special examples and good practices worth to be shared.

b) Your country's experience with transboundary procedures:

- i. Translation is not addressed in the Protocol. How has your country addressed the question of translation? What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?

In the case where Poland is the Party of origin the national legislation imposes the obligation to translate the draft document and the environmental report, in the part which will enable the affected Party to assess the possible significant transboundary impact on the environment, in the language of the affected Party. So, in such situation there are no difficulties.

But in the case where Poland is the affected Party we very often encounter a lot of difficulties with translations, especially in the situation when the Party of origin does not provide us with translated documents. If we receive documents without any translation then we ask the Party of origin for prolongation of the deadline for comments and we make translation on our own. It extends the procedure but without translation it is not possible to make public participation and comment on.

- ii. What does your country usually translate as a Party of origin?

The parts of the draft document and parts of its environmental report that are necessary to assess if the transboundary impacts might occur as a result of the implementation of such document.

- iii. Has your country carried out transboundary public participation according to article 10, paragraph 4? If so, how? Was your country the Party of origin or the affected Party? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (E.g., have there been complaints from the public about the procedure?)

Poland was the Party of origin in the case of SEA for Spatial Development Plan for Lubuskie Voivodship (regional level). The transboundary SEA was carried out with Germany as the affected Party. Public participation in Germany (Brandenburg) was organized on the same rules as in Poland. Such approach was important in order to give the equal rights and opportunities to the public of the affected Party as given to the public of the Party of origin. Having in mind Polish national law on SEA and Polish-German Agreement on EIA the public participation in Germany was organized in the following way:

- ❖ the German public was informed about draft plan and transboundary SEA by relevant German authorities through public notice and public display in Official Journal,
- ❖ the time frame for submitting comments and suggestions by German public was 21-day period as Polish law stipulates (time for public access and formulate comments),
- ❖ the German public could send the comments and suggestions directly to the Polish competent authority or indirectly through the German relevant authority. Within this stage the Polish competent authority received 1099 comments from German public. Most of them were sent directly to this authority. Having received such enormous number of public comments from Germany the Polish competent authority faced with a lot of practical problems. Firstly, a lack of human resources to deal with all submitted comments. Secondly, translations caused difficulties due to the Procurement Law that limited the opportunities to choose the most suitable translator, so that the quality of translations was not satisfactory enough. What is more the German side emphasized that the translation caused some misunderstandings because of not so high accuracy of used terminology.
- ❖ the German public could formulate the comments and suggestions in German language (or Polish) in written form, verbally to be recorded in the minutes and using the means of electronic communication without the need to secure them within safe electronic signature,
- ❖ the information on the manner in which the comments and suggestions submitted by the German public has been taken into account and to what extent it has been used was included in written summary as an enclosure to the adopted plan,
- ❖ having adopted the plan, the Polish competent authority has immediately initiated translation of the plan summary into German. Finally, the translated summary was sent to the affected Party.

- iv. Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes? If yes, describe such examples, if possible.

No examples.

- v. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case within a “case study fact sheet” to be published on the website of the Convention and its Protocol?

As it was declared previously, Poland is currently elaborating a case study fact sheet with experiences gained within SEA for Spatial Development Plan for Lubuskie Voivodship (regional level). This fact sheet will be possibly forwarded to the Working Group on EIA/SEA in November 2013 for discussion and commenting on the content and the structure.

COOPERATION BETWEEN PARTIES IN 2010–2012

- 38. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?**

For the time being we did not encounter any serious difficulties. Nevertheless, Poland is currently preparing the bilateral agreements on EIA and SEA with Germany and Slovakia. Such agreements will be the framework for bilateral cooperation i.a. within transboundary SEA.

EXPERIENCE REGARDING GUIDANCE IN 2010–2012

- 39. Are you aware of any use in your country of the Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment available online¹? If yes, please describe any experience with using this guidance document and how it might be improved or supplemented.**

There is no information on use the Resource Manual in Poland.

- 40. Do you provide any assistance and guidance to the public? If yes, please specify.**

The General Directorate for Environmental Protection published guidances and pamphlets on SEA and public participation within this procedure. Such guidances seem to be a valuable assistance, not only for public but also for administrative authorities.

- 41. Do you support associations, organizations or other groups that promote the Protocol? If yes, please specify which and how.**

¹ http://www.unece.org/env/eia/pubs/sea_manual.html

There is no special assistance in this regard. Nevertheless, the guidances on SEA published by the General Directorate for Environmental Protection are some kind of support and assistance for associations and organizations or other groups.

42. Has your country had difficulties implementing the procedure defined in the Protocol?

No difficulties.

AWARENESS OF THE PROTOCOL

43. Does your country see a need to improve the application of the Protocol in your country and, if so, how does it intend to do so?

There is no need in this regard.

SUGGESTED IMPROVEMENTS TO THE REPORT

44. Please provide suggestions for how this report may be improved.

No comments.

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