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**Protocol on Strategic  
Environmental Assessment to the  
Convention on Environmental  
Impact Assessment in a  
Transboundary Context (Kiev,  
2003)**

**CASE STUDY FACT SHEET**

**Spatial Development Planning at  
the regional (voivodeship) level,  
Lubuskie Voivodeship, Poland,  
bordering with Germany  
(Brandenburg and Saxony)**



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**BACKGROUND**

According to Polish law on strategic environmental assessment (SEA), a draft Spatial Development Plan for a voivodeship (province) and its modification(s), is subject to an SEA, also in a transboundary context, if necessary.

**STUDY CASE**

The Spatial Development Plan for Lubuskie Voivodeship was originally adopted in 2002. Due to a number of changes in the socio-economic and legal situation in Poland, the existing Plan needed to be amended accordingly. The competent regional government of Lubuskie Voivodeship was the authority in charge of preparing the Draft Modified Plan and conducting the SEA.

**SEA PROCEDURE IN POLAND**

In accordance with the Protocol on SEA, the following steps were performed: **Field of application** (article 4): the SEA procedure had to be carried out because the Draft Modified Plan was prepared for regional planning and land use and could possibly cause significant environmental, including health, effects. **Screening** (article 5): At the screening stage it was found that the content of the modification was of wide range determining the use of a large area and thus an SEA should be carried out. **Scoping** (article 6): Having found that SEA was necessary, the authority in charge sought approval from the authorities responsible for environmental protection and sanitary inspection to determine the scope and details of the information required for the environmental report. **Environmental report** (article 7): The environmental report was then prepared in accordance with the determined scope. **Public participation** (article 8): All persons had a right to submit comments prior to the adoption of the Draft Modified Plan. Therefore, the authority in charge informed the public in a timely manner about the launch of the preparation of the Draft Modified Plan and its content. The public could submit comments and suggestions within a 21-day period, when relevant documents were available for review (time for public access and submitting comments). Comments could be submitted in written form or orally by way of recording in the minutes,

through the means of electronic communications and without a requirement for digital signature. As a result of the public participation procedure, the authority in charge received 10 comments and suggestions, all of which were considered and taken into account. **Consultation with environmental and health authorities** (article 9): The Draft Modified Plan and the environmental report were subjected to consultations with the authorities responsible for environmental protection and sanitary inspection. **Decision** (article 11): Having concluded the public participation procedure, obtained of the required opinions and completed the transboundary consultations the plan was adopted and published. **Monitoring** (article 12): On the basis of Polish law on SEA, the authority in charge is obliged to monitor the effects of the implementation of the adopted document in the scope of its environmental impact.

#### **TRANSBOUNDARY CONSULTATIONS** (Article 10)

The authority in charge found that the implementation of the Draft Modified Plan was likely to have significant transboundary, including health, effects on German territory. Poland and Germany decided to apply, to the extent possible, the Polish-German Agreement on environmental impact assessment as follows: the **Notification** contained information on the legal status of the Draft Modified Plan, its text and the environmental report in Polish and German. The **Deadline for the response** by Germany on whether it would like to participate or not in the procedure was set to 30 days from the date of receiving the notification. Due to the number of German authorities involved and the need to announce the procedure to the public in the Brandenburg Official Journal, the German side (Brandenburg) asked for an extension of the given time frame for response and comments by another 30 days, which was granted. Saxony provided their comments and recommendations regarding the environmental report within the original deadline. The comments would be included in the document and according to Saxony further participation in the transboundary SEA was not necessary. The **Public participation procedure in Germany** (Brandenburg) was organized in the same way as in Poland. Such approach was important in order to ensure that the rights and opportunities provided to the public of the affected Party were equivalent to those provided to the public of the Party of origin. After considering the SEA documentation, **Germany provided two statements**, from Brandenburg and from Saxony, including opinions of the municipalities and other relevant German authorities. At that stage Saxony was fully satisfied with the SEA documentation and had no further questions or concerns. Therefore Poland entered into consultations at the governmental level only with Brandenburg, which had questions to be addressed. Both Parties took part in the **meeting at the governmental level** to discuss in detail the transboundary environmental effects of implementing the plan and measures envisaged to prevent, reduce or mitigate environmental effects. The meeting offered the unique opportunity to address any issues of concern. The result of the meeting was that **Parties reached consensus**. At Germany's request the environmental report was complemented with further details, such as with measures necessary to minimize negative impacts during the construction, extension or modernization of any type of road networks and linear projects that might have transboundary impacts on the surface and underground waters as well as biodiversity. The findings of the meeting were recorded in the form of **minutes (protocol)**, and accepted and signed by the Chairs of the two delegations. **After the adoption of Draft Modified Plan**, the authority in charge translated in German the document and the executive summary. The original version and the German translation were then sent to Germany to make it publicly available for concerned stakeholders in the affected Party.