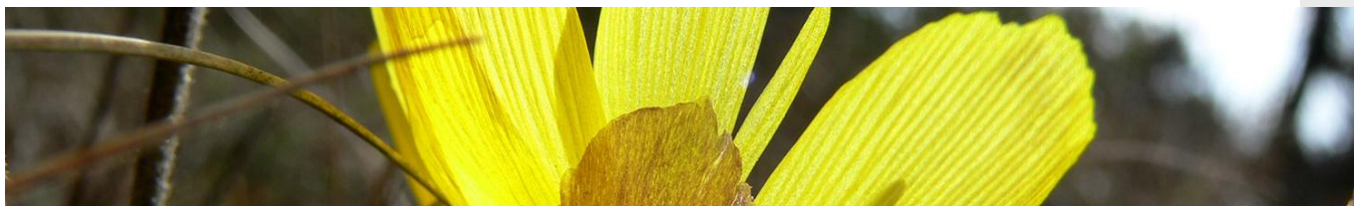


Experience of Poland in application of SEA in a transboundary context for Polish Nuclear Power Programme



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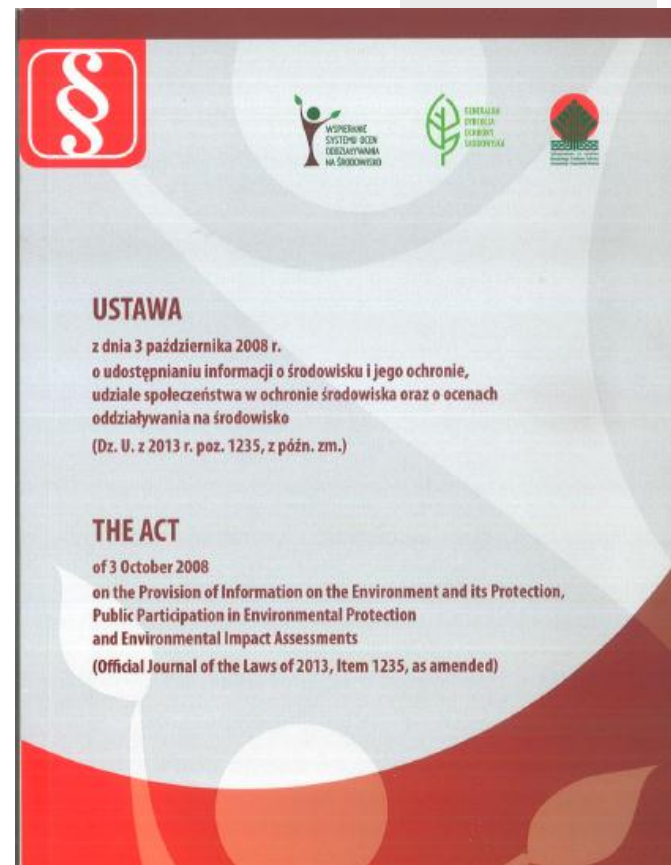
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General Directorate for Environmental Protection of Poland



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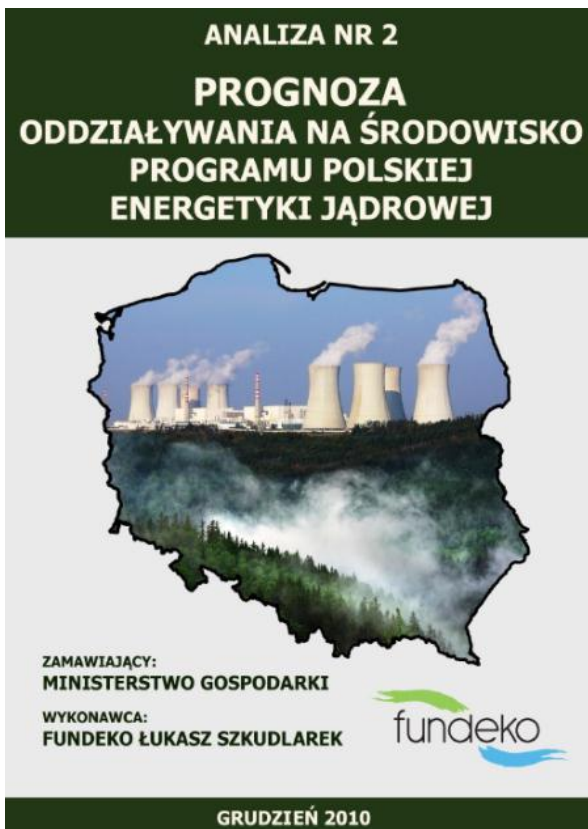
Legal frameworks

- Poland ratified the SEA Protocol in 2011,
- Poland is a Member State of UE (UE is a Party to the SEA Protocol since 2008),
- SEA Protocol and SEA Directive have been implemented into national law „**The Act of 3 October 2008 on the Provisions of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessments (O.J. of the Laws of 2013, Item 1235 as amended)**”



SEA in Poland

- SEA is carried out for draft plans and programmes of specific types,
- SEA is also required when already adopted and being in force strategic document is modified (amended),
- SEA is performed by competent authority at national, regional or local level which prepares the draft plan or programme,
- within SEA procedure competent authority (which draw up the document) is obliged to:
 - seek opinions and approvals of relevant authorities (environmental protection and sanitary inspectorate authorities);
 - carry out the public participation;
 - take into account comments from authorities and public while adopting the document;
 - perform transboundary procedure, if necessary.



CASE STUDY

Polish Nuclear Energy Programme

- the Minister of Economy responsible for preparing the draft Programme found that this document is likely to have significant transboundary environmental effects,
- 10 parties were notified, 7 declared its wish to participate (Austria, Sweden, Finland, Czech, Slovakia, Germany, Denmark),
- Estonia, Latvia and Lithuania did not declare participation but informed that at the EIA stage they wish to attend,
- notification included the draft programme and its environmental report (translation in to English and German), three countries asked for deadline prolongation up to 3 months,



CASE STUDY

- due to the further requests from APs for extension of the deadline for providing statements, Poland gave 5 months from the date of receiving the notification for response to all Parties,
- public participation in the APs was organized twice (1st – draft programme and environmental report – in most cases lasted 3 months, 2nd – annex including new proposal of location – 21 days),
- generally, each Party gave its own public completely different time-frames for comments,
- in most cases APs submitted their authorities statements together with enclosed comments from public,
- one exception – to the extent appropriate application of Polish-German Agreement on EIA to SEA gave the German public an opportunity to send comments in their mother tongue directly to Polish authority, through standard post and e-mails as well,
- as a consequence of such approach Poland received more than

35 000 comments from German public

(in German),

CASE STUDY

- comments from public were considered and taken into account while adopting the document and the information in what manner it happened was included in the executive summary enclosed to the adopted programme,
- four APs took part in the **meeting at the governmental level** to discuss in detail the transboundary environmental effects. The meeting offered a unique opportunity to address any issues of concern and Parties finally reached consensus,
- the programme was adopted and finally published in the mid of June 2014. After completion of the translation into English and German it will be sent to the APs.

CONCLUSIONS – BENEFITS:

1. the APs were informed at the very beginning stage of decision-making process,
2. the APs authorities and public had an opportunity to be familiarized with the draft document when all the options were still opened,
3. the APs public could express their views and comments on draft document, so that the public had a real influence on the decision-making process (APs comments in their mother tongue),
4. the APs obtained real information what is going on and relevant explanations on issues of concern,
5. the awareness of APs public were significantly raised,
6. the relevant authorities received feedback from APs authorities and public what kind of issues are of the high importance, so that it allowed to find reasonable solutions at the planning and programming stage,
7. elimination and minimalization of conflicts, disputes and concerns at the stage of preparation of planning and programming documents before starting EIA's for particular planned projects.



CONCLUSIONS – CHALLENGES:

1. time-consuming and expensive translations cause extension of the SEA procedure,
2. high quality of technical terminology used in translated documents is of the high importance to avoid misunderstandings and confusions,
3. setting the time-frames of SEA procedure suitable for all APs,
4. in case of few APs involved in procedure the coordination of the public participation in APs, which should be carried out at the same time period in each country, was found as a really difficult task. Especially, the coordination of setting time-frames for availability of documents for public review at the same time and for the same amount of days in each country,
5. the extremely huge amount of received comments from public, especially by electronic messages,
6. a lack of sufficient human resources to deal with huge amount of submitted comments from APs public in their mother tongue (it is also time-consuming),
7. not coordinated statements with contradictory comments and requests,
8. lack of bilateral agreements was a reason of practical challenges, especially if several APs were involved.



CONCLUSIONS – OVERCOMING CHALLENGES:

1. the burden of translations was on Poland as PoO,
2. misunderstandings and confusions were clarified by experts of authority in charge through letters or electronic messages and phone calls,
3. informal contacts with APs to discuss together deadlines before sending notification with defined time-frames for each stage of procedure,
4. informal contacts with APs, especially with Points of Contact to the SEA Protocol, to specify the practical arrangements regarding public participation,
5. to hire the external experts or qualified company to analyze comments, put them in to thematic groups and prepare the summary with the importance of each group of comments,
6. direct contacts with all involved authorities of APs as well as Points of Contacts to the SEA Protocol to clarify confusions and contradictions,
7. to the extent appropriate, application of bilateral agreement on EIA to the SEA significantly facilitated the transboundary procedure and allowed to avoid unexpected and unnecessary extension.



Thank you for your attention 😊

