

Polish practical experiences of organizing public participation in SEA in transboundary context

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1. Public participation in Poland (SEA)
2. Public participation in transboundary SEA:

I. Draft Modification to Voivodship Spatial Development Plan in Lubuskie – regional level



II. Draft Polish Nuclear Energy Programme - national level



GENERALNA
DYREKCJA
OCHRONY
ŚRODOWISKA

Public participation in Poland in the course of SEA

- **all persons have right to submit comments** and suggestions in the course of a procedure requiring public participation prior to the adoption of the draft documents or their modification,
- the authority which prepares the draft plan provides the public without undue delay with information concerning:
 - ✓ the launch of the preparation of the draft document and its subject matter;
 - ✓ possibilities of becoming acquainted with the necessary documentation and the place where it is available for review;
 - ✓ the manner, place and at least 21-day period for submitting comments;
 - ✓ which authority is competent for handling comments and suggestions;
 - ✓ transboundary SEA , if necessary,

Public participation in Poland in the course of SEA

- comments and suggestions may be submitted:
 - ✓ in written form;
 - ✓ verbally to be recorded in the minutes;
 - ✓ using the means of electronic communications without the need to secure them with the safe electronic signature,

- the authority which prepares the draft document shall consider comments and suggestions and enclose with the adopted document the justification containing among others the manner in which comments and suggestions from public have been considered and the extent to which they have been used,

CASE STUDY 1

Voivodship Spatial Development Plan for Lubuskie

- Poland and Germany have a long-lasting bilateral cooperation on transboundary EIA and SEA. Both Parties cooperate on the basis of bilateral Polish-German Agreement on EIA, signed in 2006 and entered into force in 2007,
- due to the fact that, the existing bilateral agreement on EIA has been applied successfully for many years both countries decided to apply its provisions also to the extent appropriate to SEA,
- the Marshal (in charge of preparing draft plan) found that the significant transboundary, including health, effects might occur on the German territory,
- due to this fact notification was sent to Germany together with draft plan and its environmental report (translation into German),
- **deadline for declaration** whether or not Germany would like to participate was **30 days** since date of receiving the notification with possibility to submit at the same time comments and suggestions regarding draft plan and environmental

CASE STUDY 1

Voivodship Spatial Development Plan for Lubuskie

- **Public participation in Germany** was organized on the same rules as in Poland (the equal rights and opportunities):
 - ✓ 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 **at least 21-day period as Polish law stipulates** (time for public access and formulate comments). Therefore, German authorities which were in charge of organizing the German public participation, gave its own public opportunity to be acquainted with necessary documentation and make comments within period of 21 days,
 - ✓ the German public could send the comments and suggestions directly to the Marshal of Voivodship Lubuskie or indirectly through the German relevant authority,

CASE STUDY 1

Voivodship Spatial Development Plan for Lubuskie

- in the course of public participation the Marshal received **1099 comments from German public**,
- most of them were sent directly to the Marshal,
- number of public comments from Germany faced Marshal with a lot of practical problems:
 - ✓ firstly, a lack of human resources to deal with all submitted comments;
 - ✓ secondly, translations caused difficulties because due to the Procurement Law the Marshal had limited opportunities to choose the most suitable translator, so that the quality of the translations was not so satisfied,
 - ✓ what is more the German side emphasized that the translation caused some misunderstandings because of not so high accuracy of used terminology.

CASE STUDY 1

Voivodship Spatial Development Plan for Lubuskie

- the comments and suggestions could be formulated by German public 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.

CASE STUDY 2

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 program and its environmental report (translation into English and German), three countries asked for deadline prolongation up to 3 months,
- despite the fact that Poland gave each Party the same rights each Party organized its own public participation on the different rules,

CASE STUDY 2

Polish Nuclear Energy Programme

- public participation in the Affected Parties was organized twice (1st – draft program and environmental report – in most cases lasted 3 months, 2nd – annex including new proposal of location – 21 days),
- due to subsequent requests for extension of the deadline for statement, Poland gave 5 months for response to all Parties,
- generally, each Party gave its own public completely different time-frame for comments,
- in most cases Parties submitted theirs statements with enclosed comments that had been collected by the authority of an Affected Party,

CASE STUDY 2

Polish Nuclear Energy Programme

- according to Polish-German Agreement on EIA, German public had an opportunity to send comments directly to Polish authority, through standard post and e-mails as well,
- as a consequence of such approach Poland received more than 35 thousands comments from German public,

Instead of conclusion

- need to secure additional financial and human resources
- public procurement rules can cause some unexpected problems
- quality of translation is of outmost importance
- in case of multiparty proceedings be prepared for countries different approach

Thank you for your attention 😊

