

Annex No. 1

Act of October 3, 2008 on the release of information about environment and its protection, participation of the public in the environment and protection and assessments of the environmental impact.

Art. 46

The following projects (draft documents?) require to carry out a strategic environmental impact assessment:

- 1) concept of spatial development of the country, the study of conditions and directions of the spatial development of the municipality, spatial development plans and strategies for regional development;
- 2) policies, strategies, plans or programmes in the fields of industry, energy, transport, telecommunications, water management, waste management, forestry, agriculture, fisheries, tourism and land use, developed or adopted by administrative authorities, setting the framework for the subsequent implementation of projects that may have a significant effect on the environment;
- 3) policies, strategies, plans or programmes other than those mentioned in points 1 and 2, the implementation of which may cause a significant impact on the Natura 2000 area if they are not directly related to the protection of the Natura 2000 site or do not result from this protection.

Art. 51

1. The authority preparing the draft document referred to in art. 46 or 47, prepares an environmental impact assessment.

Art. 54

1. The authority preparing the draft document referred to in art. 46 or 47, submits the project, together with the environmental impact assessment, for an opinion of the competent bodies referred to in art. 57 and 58. The competent authorities shall deliver an opinion within 30 days of receipt of the request for the evaluation.
2. The authority who is drafting the document, according to the provisions of Section III, Chapters 1 and 3, provides the possibility of public participation in the strategic environmental impact assessment.
3. The rules for submitting comments and applications, and for issuing opinions on projects of local spatial development plans and studies of conditions and directions for spatial development of municipalities are defined in the provisions of the Act of March 27, 2003 on Spatial Planning and Development.
4. The provisions of the Act of March 21, 1991 on Marine Areas of the Republic of Poland and Maritime Administration apply to submitting comments and applications and to give opinions on draft spatial development plans for internal waters, territorial sea and the exclusive economic zone.

Art. 55

1. The authority preparing the draft document referred to in art. 46 or 47, considers the findings contained in the environmental impact assessment, opinions of the bodies referred to in art. 57 and 58, and takes into account comments and requests made during the public participation.

2. The draft document referred to in art. 46 or 47, cannot be accepted under the conditions referred to in art. 34 of the Act of April 16, 2004 on Nature Conservation, if the strategic environmental impact assessment shows that it can significantly adversely affect the Natura 2000 site.

3. To the accepted document enclosed is a written summary containing the justification for the selection of the accepted document with regard to the considered alternative solutions, as well as information on how and to what extent were considered:

- 1) findings contained in the environmental impact assessment;
- 2) opinions of competent authorities referred to in art. 57 and 58;
- 3) comments and applications made;
- 4) results of proceedings regarding transboundary environmental impact, if had been carried out;
- 5) proposals regarding the methods and frequency of monitoring the effects of implementing the provisions of the document.

4. The body preparing the draft document shall forward the adopted document with the summary referred to in paragraph 3, to the competent authorities referred to in art. 57 and 58.

5. The body preparing the draft document is obliged to monitor the effects of implementing the provisions of the adopted document in terms of environmental impact, according to the frequency and methods referred to in paragraph 3 point 5.

Art. 56

The provisions of this section apply also to entities developing the draft document, which are not administrative authorities.

Art. 57

1. The competent authority in the matters of opinions and agreeing within the framework of strategic environmental impact assessments is:

- 1) General Director of Environmental Protection - in case of documents elaborated and amended by the supreme or central government administration authorities;
- 2) regional director of environmental protection - for documents other than those listed in point 1.

2. If the planned implementation of a given document concerns maritime areas, the director of the maritime office is also competent for issues of opinion and agreeing as part of strategic environmental impact assessments.

2a. If the planned implementation of a given document covers the maritime area, the local jurisdiction of the regional director of environmental protection, in the part concerning these areas, is determined along the shore line of the given voivodship.

3. In case the planned implementation of a given document covers the area of two voivodships or the sea area along the coast line of two voivodships, the competent authority in matters related to issuing opinions and agreeing within the framework of strategic environmental impact assessments is the regional director of environmental protection, whose area of responsibility covers more of the area or sea area where this document will be implemented. Assessment and agreeing takes place in consultation with second concerned regional director of environmental protection.

4. If the planned implementation of a given document covers an area of more than two voivodships, the General Director of Environmental Protection is the competent authority for issues of opinion and agreeing within the framework of strategic environmental impact assessments.

Art. 58

1. The authority of the State Sanitary Inspectorate competent in matters related to issuing opinions and deciding within the framework of strategic environmental impact assessments is:

1) Chief Sanitary Inspector - in case of documents elaborated and amended by the supreme or central government administration authorities;

2) state voivodship sanitary inspector - in case of documents other than those listed in points 1 and 3;

3) state poviat sanitary inspector - in case of local spatial development plans and studies on conditions and directions of spatial development of municipalities.

1a. If the planned implementation of a given document covers the maritime area, the local jurisdiction of the state voivodship sanitary inspector, in the part concerning this area, is determined along the coast line of the given voivodship.

2. In case the planned implementation of a given document covers the area of two voivodships or the sea area along the coast line of two voivodships, the competent authority in matters related to issuing opinions and agreeing within the framework of strategic environmental impact assessments is the state voivodship sanitary inspector, whose area of responsibility covers more of the area or sea area where this document will be implemented. Assessment and agreeing takes place in consultation with second concerned State Voivodship Sanitary Inspector.

3. If the planned implementation of a given document covers an area of more than two voivodships, the Chief Sanitary Inspector is the competent authority for issues of opinion and agreeing within the framework of strategic environmental impact assessments.