

Experience of Poland in application of the Espoo Convention and its Strategic Protocol (transboundary EIA/SEA)

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Content of the presentation

- ❑ basic information about Poland
- ❑ what is for transboundary EIA/SEA
- ❑ legal framework for transboundary EIA/SEA
- ❑ case study on EIA (planned coal-fired power plant)
- ❑ case study on SEA (draft spatial plan)
- ❑ conclusions



Poland

Area: 322 575 km²

Population: ~ 38 mln

Density: 123 persons/km²

7 Neighbours: Germany, Czech Republic
Slovakia, Ukraine, Belarus, Lithuania, Russia



Location:

- Central Europe,
- Baltic Sea on the north,
- Carpathians and Sudetes mountains on the south,



What is for transboundary EIA/SEA?

- to integrate environmental issues into planning and decision making process
- to be in line with the preventive and precautionary principles
- to apply the „polluter pays” principle
- to promote sustainable development
- to prevent the environment from degradation and pollution, depletion of natural resources, biodiversity loss at the very early stage of development process
- to involve the affected Party into decision making process by giving a real voice in this process
- to avoid international disputes
- to prevent the environment which does not recognize the administrative borders

Legal framework for transboundary EIA/SEA

❑ International law:

Poland ratified:

- the Espoo Convention in 1997
- the SEA Protocol in 2011

❑ European law:

Poland is a Member State of EU since 2004 which is also a Party to the Espoo Convention and the SEA Protocol:

- EU Directive on EIA
- EU Directive on SEA

❑ 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 Assessment (O.J. of the Laws of 2013, Item 1235 as amended)
- Regulation of the Council of Ministers of 9 November 2010 on types of projects likely to have significant effects on the environment (O.J. of the Laws No. 213,1397, as amended)

❑ Bilateral Agreements on EIA in force with:

- Lithuania (EIA, since 2004)
- Germany (EIA, since 2007)

❑ Bilateral Agreements under preparations with:

- Germany (EIA/SEA)
- Slovakia (EIA/SEA)
- Belarus (EIA)

Case Study

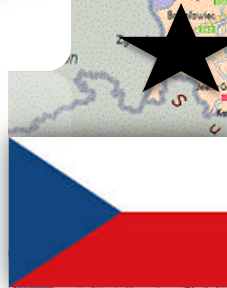
Transboundary EIA

Planned reconstruction of coal-fired power plant in Turów –
construction of new power unit 460 MW replacing 3 power
units



LOCATION

close to the state border with Germany and Czech Republic





Source: PGE S.A.



GENERALNA
DYREKCJA
OCHRONY
ŚRODOWISKA

Power plant – current view





Source: PGE S.A.

Power plant – current view



GENERALNA
DYREKCJA
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Source: PGE S.A.



GENERALNA
DYREKCYJA
OCHRONY
ŚRODOWISKA

Power plant– planned construction of new power unit

Why Poland carried out Transboundary EIA?

- ❑ planned construction of new power unit 460 MW was:
 - listed in Appendix I of the Espoo Convention
 - was likely to cause significant adverse transboundary impacts

- ❑ likelihood of transboundary impacts due to:
 - the project's location (close vicinity to state border with Germany and Czech Republic)
 - the nature and scope of the project

Therefore, the notification under article 3 of the Espoo Convention was sent to the affected Parties

What were the obligations of Poland towards the affected Party:

- inform about planned project
- provide the EIA documentation together with its translation
- give an opportunity to make comments on the EIA documentation (authorities and public of the affected Party)
- enter into transboundary consultations
- consider and take into account comments of the affected Party in the final decision
- provide the final decision
- perform post-project analysis, if necessary (not obligatory)
- translate all documents and provide interpreters

Polish-German Agreement on EIA was applied

Stages of Transboundary EIA

☐ Notification:

- basic information about the planned project
- information about national EIA procedure
- type of administrative decision
- 30-day period for declaration and comments on scoping

☐ Declaration of participation:

- acknowledgment of receipt without undue delay
- at the latest 30 days for declaration since receiving the notification

☐ Scoping:

- comments on the scope and content of the EIA documentation

☐ EIA documentation:

- prepared by the developer in paper version and on CD
- contained a separate chapter on transboundary impacts on the environment

❑ Statements of relevant authorities:

- comments of authority(-ies) of Germany and Czech Republic
- Poland provided additional explanations on issues raised by Germany and Czech Republic

❑ Public participation of affected Party:

- the same rules as applied towards the Polish public
- 21-day period for getting acquainted with the EIA documentation and making comments
- comments were considered and taken into account if relevant

❑ Transboundary consultations:

- meeting at governmental level
- topics for discussion: transboundary impacts, mitigation and minimizing measures

❑ Final decision:

- submitted to share with relevant authorities of Germany and Czech,
- made publicly available for public review in Germany

Case Study

Transboundary SEA

Regional Spatial Plan for Lubuskie Voivodship



LOCATION – Lubuskie Voivodship, close to the state border with Germany

- ❑ west part of Poland and borders with Germany (Brandenburg and Saxony),
- ❑ natural and landscape potentials of high value, transport connections with Germany and other parts of Poland, Odra river's waterway which is a European ecological corridor,
- ❑ deposits of natural resources, large areas of forest and agricultural production space are wealth of the region,

Source: www.google.pl



Why Poland carried out Transboundary SEA?

- Regional Government responsible for drawing up draft plan found transboundary environmental effects on Germany
- the spatial plan and its modification was specified in the SEA Protocol and SEA Directive as required SEA
- Germany was notified under article 10 of the SEA Protocol
- existing bilateral agreement on EIA was applied with appropriate extension in this case

Stages of Transboundary SEA

☐ Notification:

- contained information on the legal status of plan, draft plan and its environmental report in Polish and German

☐ Declaration:

- **30 days** since receiving the notification for declaration

☐ Public participation in Germany:

- public notice and public display in Official Journal
- **at least 21-day period** for comments and suggestions (time for public access and formulation of comments)
- comments sent directly to the Polish authority or indirectly through the German relevant authority
- comments in German (or Polish) in written form and using the means of electronic communication without the need to secure them within safe digital signature. **More than 1000 comments in German sent directly to Poland**
- comments considered while adopting the document
- the information in what manner comments were considered was included in the executive summary enclosed to the adopted plan



Stages of Transboundary SEA

❑ Statements of relevant authorities:

- comments and suggestions from Germany (Brandenburg and Saxony)
- written explanations on raised issues

❑ Meeting at governmental level:

- to discuss the transboundary environmental effects on the environment and and measures envisaged to prevent, reduce or mitigate environmental effects

❑ Submission of the adopted plan to the Affected Party:

- the adopted document together with its executive summary were translated into German by authority in charge
- the original version and the German translation were sent to Germany in order to make it publicly available in the affected Party

CONCLUSIONS

- ❑ transboundary EIA/SEA is a preventive instrument to protect the environment at the very early stage of planning and development process
- ❑ close bilateral cooperation and mutual understanding are key factors in successful application of the Espoo Convention and its SEA Protocol
- ❑ thanks to transboundary EIA/SEA we have transparent planning and decision making process
- ❑ involvement of the affected public minimize public concerns and disputes
- ❑ the affected Party (authorities) has a real voice in planning and development process
- ❑ bilateral agreements on EIA/SEA are crucial in facilitating transboundary EIA/SEA
- ❑ thanks to detailed rules specified in the bilateral agreements we can avoid wasting of time, money, human resources and unnecessary extension of procedure

Thank you for your attention 😊

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