

11 March 2021

Jaroslav Mielnik
Chief specialist
Department of Environmental Management
Ministry of Climate
Poland

Dominika Bobek
Legal Counsel
Frank Bold Foundation

Dear Mr. Mielnik,
Dear Ms. Bobek,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Poland with the provisions of the Convention in connection with the spatial development plan for the province of Lubuskie (ACCC/C/2014/119)

In order to complete its deliberations on its draft findings regarding the above communication, the Committee has identified certain points to clarify with the communicant and the Party concerned. To this end, please find **enclosed** the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your replies by **Thursday, 8 April 2021**. Please send your replies to aarhus.compliance@un.org, copying the other party. The other party will have one week from the receipt of your answer to provide the Committee with any comments it wishes to make on your reply.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Poland to the United Nations Office and other international organizations in Geneva

Enc: Questions from the Committee to the parties

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Question to the communicant:

1. Please provide an English translation of any of the judgments in annexes 3 to 10 of your communication of 28 November 2014 which concern a challenge brought by an environmental NGO against a Voivodeship spatial development plan.

Questions to the Party concerned:

2. According to the table of statistics on the transboundary consultation,¹ all 1070 of the 1070 comments received from “private persons” during the transboundary consultation were rejected for being “contrary to the policy of the Voivodeship”. Please provide an English translation of the provisions of the Voivodeship policy that these comments were contrary to.

3. At page 2 of your response to the communication, you state that:

“the opinions and suggestions concerning the draft amendment to the Spatial Development Plan of Lubuskie Voivodeship are addressed in detail in the documents: ‘The justification for the opinions concerning the draft amendment to the Spatial Plan of Lubuskie Voivodeship’ and ‘The justification for the suggestions concerning the draft amendment to the Spatial Development Plan of Lubuskie Voivodeship’”.

Please provide:

- (a) The full text of these two documents in Polish language.
 - (b) An English translation of all parts of each document that demonstrate how due account was taken of the outcome of the public participation in the decision-making on the 2012 amendment to the spatial development plan of the Lubuskie Voivodeship.
 - (c) An English translation of any part of each document that provides:
 - (i) The wording of the Voivodeship policy which comments marked “D” were rejected for being contrary to.
 - (ii) The reason(s) why the comments marked “G” were not taken into account.
4. Please provide an English translation of the following provisions as in force in March 2012 when the amendment to the spatial development plan of the Lubuskie Voivodeship was adopted:
 - (a) Article 90 and 91 of the Voivodeship Self-Government Act of 1998 (No.142, item 1590);
 - (b) Article 3(2) and (6) of the Act of 30 August 2002 on the Law on the Proceedings before Administrative Courts.
 5. Please provide (i) the full text in Polish, and (ii) an English translation of the provisions listed below, of the following legislation as in force in March 2011 when the public consultation on the spatial development plan of the Lubuskie Voivodeship commenced:
 - (a) Act of 3 October 2008 on the Provision of Information on the Environment and Its Protection, the Public Participation in Environmental Protection and Environmental Impact Assessments; together with an English translation of articles 12, 42-48, 54, 55 as then in force;
 - (b) Spatial Planning and Development Act of 2003 (No. 80, item 717), together with an English translation of articles 3-5, 15, 38, 39, 41 and 44 as then in force.

¹ Communication, annex 2, p. 4.