

# **Questionnaire for the report of the REPUBLIC OF POLAND on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2019–2021**

## **Information on the focal point for the Convention**

1. Name and contact information:

**Ms. Dorota Toryfter – Szumanska**

Deputy Director

Department of Environmental Impact Assessment

General Directorate for Environmental Protection

Wawelska St. 52/54, 00-922 Warsaw, POLAND

Telephone: + 48 22 579 2105

E-mail: dorota.szumanska(at)gdos.gov.pl

cc: sekretariat.doos(at)gdos.gov.pl

## **Information on the point of contact for the Convention**

2. Name and contact information (if different from above):

As mentioned above in the point 1.

## **Information on the person responsible for preparing the report**

3. Country: Poland
4. Surname: Truszevska
5. Forename: Marta
6. Institution: General Directorate for Environmental Protection
7. Postal address: Wawelska St. 52/54, 00-922 Warsaw
8. Email address: marta.truszevska(at)gdos.gov.pl
9. Telephone number: +48 22 369 10 32
10. Date on which report was completed: 29 April 2022

## Part one

### Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not its experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Convention (for example, Environmental Impact Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

## Article 1

### Definitions

**I.1.1. Is the definition of the term “impact” for the purpose of the Convention the same in your legislation as that contained in article 1 (vii)?**

- (a) Yes
- (b) Yes, with some minor differences (please explain the differences):
- (c) No, there are major differences (please explain the differences):
- (d) The term “impact” is not defined in the legislation

Your comments:

**I.1.2. Is the definition of the term “transboundary impact” for the purpose of the Convention the same in your legislation as that contained in article 1 (viii)?**

- (a) Yes, the same
- (b) Yes, with some minor differences (please explain the differences):
- (c) No, there are major differences (please explain the differences):
- (d) The term “transboundary impact” is not defined in the legislation

Your comments:

**I.1.3. Please specify how the term “major change” is defined in your national legislation:**

- (a) It is not defined
- (b) By using thresholds  (Please explain: see a comment section)
- (c) By using criteria  (Please explain: see a comment section)
- (d) On a case-by-case basis  (Please explain: see a comment section)

Your comments:

The term “major change” is not defined specifically in the national legislation. Whether a change of a given project should be considered as “major” is decided by the relevant authority on a case-by-case basis.

*The Regulation of the Council of Ministers of September 10, 2019 on projects that may significantly affect the environment (Journal of Laws, item 1839) includes a catalogue of projects that are likely to impact the environment significantly.*

If any project indicated in the abovementioned *Regulation* is subject to change, including an extension, reconstruction or assembly, such change is investigated whether EIA is required based on the thresholds specified in the *Regulation*.

Moreover, qualifying a given change as major, requiring environmental impact assessment, can be based on analysis of characteristics of the planned project or activity, the type and characteristics of the technology used, the characteristics of the environment potentially affected, the extent of the change and other determinants of importance for the area.

**I.1.4. How do you identify the public “of the affected Party in the areas likely to be affected”? Please specify (more than one option may apply):**

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

The Polish law does not contain any special provisions in this regard. The national legislation covering EIA process (the Act of 3 October 2008 *on the provision of information on the environment and its protection, public participation in environmental protection and on environmental impact assessments*, i.e. Journal of Laws of 2021, item 2373, as amended), only stipulates that, when the Affected Party expresses its willingness to participate in a transboundary procedure, the General Director for Environmental Protection (in cooperation with the authority competent to issue a decision on the environmental conditions and with the Affected Party) determines the suitable time-frames for the entire procedure taking into account the necessity to ensure public participation in the Affected Party. The arrangements regarding public participation include the length of time when documents will be publicly available, the dates when public participation starts and ends, as well as the deadline to provide any comments or remarks to the Party of Origin.

Your comments:

**I.1.5. How do you determine the “significance” of the environmental impact of the activities falling within the scope of the Convention?<sup>1</sup> Please specify (more than one option may apply), providing relevant explanations:**

- (a) By establishing threshold levels  (please explain )
- (b) By applying criteria related to the location of proposed activities   
(please explain )
- (c) By applying criteria related to the nature of proposed activities   
(please explain )
- (d) By applying criteria related to the size of proposed activities   
(please explain )
- (e) By applying criteria related to the effects of proposed activities   
(please explain )
- (f) Other (please explain):  please see explanation in point g)
- (g) It is not determined  (please explain:

The term “significance” is not legally defined in the national legislation. It is assessed on a case-by-case basis with respect to the specific characteristics of the planned activity (including thresholds) and its likely impact. As well as information provided in the Project Information Sheet, EIA documentation and based on technical expertise, available scientific evidence and competent authority assessment.

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<sup>1</sup> Although the term “significance” is not explicitly defined in the Convention, appendix III thereto provides general criteria to assist in determining the environmental significance of activities not listed in appendix I.

Your comments:

**I.1.6. Please clarify whether “cumulative impacts” are taken into account in transboundary procedures under the Convention in your national legislation and, if so, how:**

(a) Yes, the legislation provides for taking into account cumulative impacts:

Please explain:

There is no regulation directly obligating to conduct the assessment of “cumulative impacts” during the transboundary procedure. However, in accordance with art. 66(3) of the Act of 3 October 2008 *on the provision of information on the environment and its protection, public participation in environmental protection and on environmental impact assessments* (i.e. Journal of Laws of 2021, item 2373, as amended), whenever there is a possibility of transboundary impact on the environment, the information in the environmental impact assessment documentation [as determined in art. 66(1) of the above act] should take into account the impact of the planned project outside the territory of the Republic of Poland. The analyses conducted should generally be relevant to the characteristics of the area affected, no matter whether the impacts are domestic or transboundary. According to the above legal act, the following are defined, analysed and assessed in the EIA documentation (art. 66(1)) among others:

- an information on relations with other projects, in particular the possibility of accumulation of impacts of projects being implemented, already implemented or planned for which a decision on environmental conditions has been issued, located in the area where the project is planned to be implemented, and in the area potentially affected by the project's impact or whose impacts may occur within the area of impact of the planned project - to the extent to which it may lead to accumulation of impacts with the planned project;
- a description of the forecasting methods used by the proponent and a description of the expected significant environmental impacts of the planned project, including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary environmental impacts.

(b) No, the legislation does not provide for taking into account cumulative impacts

Please explain:

Your comments:

## **Article 2 General provisions**

**I.2.1. Provide information on legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2 (2)):**

(a) Law on environmental impact assessment (please provide exact title/reference number/year/access link, if any):

The Act of 3 October 2008 on the Provision of Information on the Environment and its Protection, Public Participation in Environmental Protection and Environmental Impact Assessment (i.e., Journal of Laws of 2021, item 2373, as amended) – hereinafter: the *EIA Act*  
<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20081991227>

(b) Environmental impact assessment provisions are transposed into another law/other laws (please specify and provide title(s) of the related legislation):

Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on environmental impact assessments and strategic

environmental impact assessments in a transboundary context, signed in Neuhausen am Rheinfall on October 10, 2018 (Journal of Laws of 2021, item 330).

<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20210000330>

Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on the implementation of the Convention on environmental impact assessment in a transboundary context, signed in Warsaw on May 27, 2004 (M. P. of 2005, No. 13, item 238).

<https://monitorpolski.gov.pl/MP/rok/2005/wydanie/13/pozycja/238>

(c) Regulation (please indicate number/year/title/related articles/access links):

The Regulation of the Council of Ministers of September 10, 2019 on projects that may significantly affect the environment (Journal of Laws, item 1839) – hereinafter: the *EIA Regulation*

<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20190001839>

(d) Administrative (please indicate number/year/title/related articles/access links):

(e) Other (please specify):

Please explain:

**I.2.2. Is the list of activities referred to in appendix I to the Convention fully transposed into your country's national legislation?**

(a) Yes. There is no difference, all activities referred to in appendix I are covered by national legislation

Please elaborate, as needed:

(b) No. Activities covered by national legislation differ slightly from the activities referred to in appendix I  Please explain:

(c) No, there are gaps remaining in the list of activities in the national legislation

Please explain:

Appendix I is fully transposed into the national legislation. The reflection of the appendix I was placed in the *EIA Regulation*.

**I.2.3. Indicate the competent authority/authorities responsible for carrying out the environmental impact assessment procedure in your country. Please specify:**

(a) There are different authorities at the national, regional and local levels

(b) Authorities are different for domestic and transboundary procedures

(c) Authorities are the same for domestic and transboundary procedures

Please name the authority/authorities and its/their responsibilities:

A list of projects for which the competent authorities to issue the decision are indicated, is stated in the EIA Act in the article 75.

The General Director for Environmental Protection is responsible for conducting 1 EIA and issuing a decision on the environmental conditions for a project concerning the construction of the nuclear power facility.

The Regional Director for Environmental Protection conducts EIA and issues a decision on the environmental conditions for certain types of projects that may always have a significant impact on the environment:

- roads,
- railways,
- windfarms,

- overhead power transmission lines,
- installations for the transport of crude oil, products, chemical substances or gas,
- artificial water reservoirs,
- projects related to the nuclear energy,
- radioactive wastes disposals,
- airports,
- LNG terminal
- regional broadband radio communication,
- flood protection projects,
- exploration and prospection of mineral deposits,
- power lines and transformer stations.

Moreover, the Regional Director for Environmental Protection has authority to issue an EIA decision for projects planned to be implemented in the area of closed sites (restricted), marine areas, projects constituting the conversion of a forest which is not the property of the State Treasury into agricultural land, or change/extension of the above-mentioned.

The head of the county administration – conducts and issues an EIA decision for consolidation, exchange or division of properties (parcels).

The Director of the Regional Directorate of State Forests – conducts EIA and issues an EIA decision for the conversion of a forest which is the property of the State Treasury into agricultural land.

The head of the local administration or the mayor of a town/city – conducts EIA and issues an EIA decision for all the projects others than those above-mentioned, but specified in the EIA Regulation.

In case when transboundary impact of a certain project is identified, a relevant (abovementioned) authority conducts the transboundary procedure, while the General Director for Environmental Protection is responsible for coordination of the whole process in a transboundary context (i.e., contact with authorities and Affected Parties).

**I.2.4. Is there an authority in your country that collects information on all the transboundary environmental impact assessment cases? If so, please name it:**

- (a) No
- (b) Yes

If “Yes”, please clarify the type of information collected and provide access link, if available:

The General Director for Environmental Protection on the basis of Article 128 of the EIA Act manages a database on environmental impact assessments, also in a transboundary context, including data on the documentation prepared within the framework of these procedures (<http://bazaos.gdos.gov.pl/web/guest/home>). The database is managed only in Polish language and includes only EIA in a transboundary context when Poland is the Party of Origin. Currently the database is also undergoing modernization.

Moreover, there is a list of the documents (applications, decisions, reports etc.) concerning all environmental matters (including EIAs when Poland is Affected Party and the Party of Origin) which are being announced in a database managed by the Polish Ministry of Climate and Environment (<https://wykaz.ekoportal.pl/CardList.seam?clearParams=true&cid=428848>). This database is managed only in Polish language.

Your comments:

## Article 3 Notification

**I.3.1. Article 3 (1) states that: “The Party of origin shall notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.” As a Party of origin, when do you notify the affected Parties?**

- (a) During scoping
- (b) When the environmental impact assessment report has been prepared and the domestic procedure has started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments:

Notification usually takes place at the scoping stage, because the national legislation indicates that comments given by the Affected Party regarding the scope of the EIA documentation should be considered while defining the scope and content of such documentation. Nevertheless, in some cases it may happen at the stage of EIA documentation, when new information is provided or more extended research results are available about a given project and its likelihood to have transboundary impact on the territory of another Party, therefore the need to send notification to the Affected Party appears.

**I.3.2. Please define the format of notification used in your country:**

- (a) Notification is carried out using the tabular form in table 1 of decision I/4 on the format for notification adopted by the Meeting of the Parties at its first session (ECE/MP.EIA/2, annex IV, appendix, para. 32 and table 1)
- (b) Notification is carried out in the form of a letter containing all information detailed in decision I/4 of the Meeting of the Parties (ECE/MP.EIA/2, annex IV, appendix, para. 34)
- (c) A combination of (a) and (b) above (ECE/MP.EIA/2, annex IV, appendix, para. 35)
- (d) The country has its own format  (please attach a copy)
- (e) No official format used

Your comments:

In Polish law there is no official format of notification specified. However, a notification is being sent to the potentially Affected Party in a form of a letter with certain attachments, falling within the scope of the content of decision I/4 on the format for notification adopted by the Meeting of the Parties at its first session. The letter contains information on the nature of the proposed activity, points of contact for the possible Affected Party or Parties, points of contact for the Party of Origin, a proponent of the activity, the EIA process that will be applied to the proposed activity, public participation in the Party of Origin, a deadline for a response. An attachment to the notification consists of the Project's Information Sheet that contains information on the nature of the proposed activity, the spatial and temporal boundaries of the proposed activity, the expected environmental impacts and the proposed mitigation measures.

There are two exceptions regarding the official format of the notification, due to the bilateral agreements with Germany and Lithuania. The exact format of notifications was detailed in each of the agreements as one of the appendixes.

**I.3.3. As a Party of origin, what information do you include in the notification (art. 3 (2))? Please specify (more than one options may apply):**

- (a) Information on the proposed activity, including any available information on its possible transboundary impact (art. 3 (2) (a))
- (b) The nature of the possible decision (art. 3 (2) (b))

(c) An indication of a reasonable time within which a response is required, taking into account the nature of the proposed activity (art. 3 (2) (c))

(d) Relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments (art. 3 (5) (a))

(e) Relevant information on the proposed activity and its possible significant adverse transboundary impact (art. 3 (5) (b))

(f) Other (please specify):

Your comments:

The information sheet that is attached to the notification, contains basic information on the proposed project, in particular the data concerning (if relevant):

- the type, characteristics, scale and location of the project,
- the surface area occupied by the real estate and building, as well as the existing manner of their use and the vegetal cover,
- the type of technology,
- possible alternatives of the project,
- anticipated quantities of the water, resources, materials, fuels and energy, to be used,
- environmental protection measures,
- types and anticipated quantities of the substances or energies emitted into the environment while using environmental protection measures,
- the possible transboundary impact on the environment,
- areas of high nature values that are under protection and ecological (wildlife) corridors, which are situated within the range of a significant impact of a project,
- the impact of the planned road (if so) included in Trans-European road network, on the road safety,
- implemented and completed projects, located in the area where the project is planned to be implemented, and in the area of the project's impact or whose impacts are in the area of impact of the planned project - to the extent to which their impact may lead to an accumulation of effects with the planned project,
- the risk of a major accident, natural catastrophe or construction disaster,
- anticipated types and quantities of generated wastes and their impact on the environment,
- eventual demolition works,  
taking into account the available results of other environmental impact assessments carried out on the basis of separate regulations.

**I.3.4. Article 3 (3) requires that “The affected Party shall respond to the Party of origin within the time specified in the notification”. As a Party of origin, please indicate whether your country’s legislative or regulatory framework defines a time frame for response to the notification by the affected Party/ies and, if so, how:**

(a) No, the time frame is not specified in the national legislation

(b) Yes, the time frame is specified in the national legislation

Please indicate the time frame or its range as per your national legislation, in weeks/days:

(c) The time frame is determined and agreed with each affected Party on a case-by-case basis

Please indicate the average time frame set on a case-by-case basis, in weeks/days: at least 4 weeks

Your comments:

According to Article 109(2) of the EIA Act the General Director for Environmental Protection shall propose in notification letter a date for the Affected Party to reply. There are no specified time frames set out in the national legislation. Nevertheless, concerning good



practice and lessons learned, Poland usually designates around 30 days for the Affected Party to respond to the notification.

**I.3.5. Please specify the consequences should a notified affected Party not comply with the time frame for responding to the notification, as required by article 3 (3), and elaborate on the possibilities of extending the deadline:**

In the case when the Affected Party does not meet the deadline for response, firstly through the electronic correspondence, question is being addressed to the Point of Contact whether Poland will receive any response and possibly when. If there is a further lack of any response from the Affected Party an official letter is sent, together with information that no response from the Affected Party will be treated as no willingness to participate or to be involved in the procedure.

If the affected Party ask for extension of the deadline, Poland usually agrees and determines reasonable additional time for reply in cooperation with the Affected Party.

Your comments:

**I.3.6. Article 3 (8) states that: “The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of ... the proposed activity”. Which of the following approaches do you use to achieve this goal? Please specify:**

(a) Informing the point of contact for the Convention listed on the Convention website<sup>2</sup>

(b) Other (please specify):

Your comments:

Poland usually informs the relevant point of contact regarding notification to the Convention listed on the Convention website (<https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>) as a responsible body for informing competent authorities due to national law of the Affected Party (then competent authorities of this country are responsible for informing public).

In order to conduct effective procedure and to assure that authorities and public of the Affected Party will be informed properly, the list of points of contact should be checked and updated accordingly to any recent changes in each of the country, at earliest convenience. From the Polish experience the list is not always up to date, hence it requires a revision.

Moreover, based on the agreements with Germany and Lithuania the exact authorities are designated, which should be informed accordingly, apart from the Point of Contact.

**I.3.7. On what basis does your country, as an affected Party, make the decision to participate (or not) in the transboundary environmental impact assessment procedure? Please specify:**

(a) Notified ministry/authority of the affected Party responsible for environmental impact assessment decides on its own based on the documentation provided by the Party of origin

(b) Based on the opinion of the competent authorities of the affected Party

(c) Based on the opinion of the competent authorities and of the public of the affected Party

(d) Other (please specify):

Your comments:

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<sup>2</sup> List available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.

In accordance with Article 118 of the EIA Act, the General Director for Environmental Protection after receiving the notification containing information about a project undertaken outside the territory of Poland, which implementation may have an environmental impact on the territory of Poland, immediately forwards such documents to the Regional Director for Environmental Protection. The Regional Director for Environmental Protection, who is competent with respect to the area which may be possibly affected by the transboundary impact on the environment, analyses the documents and based on this, together with additional opinions of other specialised authorities and scientific institutions, decides whether participation in a transboundary procedure is justified and thus necessary. The Regional Director for Environmental Protection as a competent authority also informs public about the notification and planned projects. Documents are put on a public display with a possibility to comment or give any remarks by the public.

The Regional Director for Environmental Protection submits then the statement concerning the necessity to participate in the EIA procedure to the General Director for Environmental Protection, as well as opinions of other authorities invited to provide their statements. The General Director for Environmental Protection collects all the statements of the authorities and on this basis prepares the official letter with Polish position to be presented to the Party of Origin. All comments from the public are also sent by the General Director for Environmental Protection to the Party of Origin, to be included while defining scope of the EIA documentation.

**I.3.8. Article 3 (5) (a) states that the Party of origin must provide affected Parties with “relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments”.**

**How does your country, as a Party of origin, determine the time schedule referred to in article 3 (5) (a)? Please specify:**

- (a) Following the rules and procedures of the Party of origin
- (b) Following the rules and procedures of the affected Party/ies
- (c) A combination of (a) and (b) above. Please specify the rules and procedures of the Party of origin and the affected Party/ies that are applied in the combination:

The time schedule for transmittal of comments is in general determined in the notification as provided in the answer to the question I.3.4. However, if the Affected Party indicates that it requires some additional time to collect all the comments from authorities and public, it such prolongation is being granted by the Party of Origin.

Moreover, in accordance with Article 109 (3) point 1 of the EIA Act, the General Directorate for Environmental Protection, in consultation with the administrative authority conducting the environmental impact assessment of the activity, agrees with the Affected Parties on the time schedule of proceedings, taking into account the need to ensure the possibility of participation in the proceedings by competent authorities and the public of the Affected Party.

- (d) Other (please specify):

Your comments:

## **Articles 2 (6), 3 (8) and 4 (2)**

### **Public participation**

**I.3.9. Article 2 (6) of the Convention states that: “The Party of origin shall provide an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.”**

**How does your country’s environmental impact assessment legislation ensure that equivalent opportunities and rights to participate in the procedure are provided for the public of the affected Party?**

- (a) As an affected Party:
- (i) Not specified in the national legislation, but it is determined and agreed with the Party of origin on a case-by-case basis at the beginning of the transboundary procedure
  - (ii) Specified in the national legislation as follows:

Your comments:

Polish law does not contain any special provisions in this regard. As an Affected Party, the General Directorate for Environmental Protection, in consultation with the Party of Origin agree on the dates of the stages of the proceedings (including the length of public participation). Documentation displayed for the public must be provided in Polish or at least parts of the documentation which will enable Polish public to assess the possible significant transboundary environmental impact on the territory of Poland.

- (b) As a Party of origin:
- (i) Not specified in the national legislation; such equivalent opportunities and rights cannot be ensured in the procedure

Please explain:

- (ii) Not specified in the national legislation, but it is determined and agreed with the affected Party on a case-by-case basis at the beginning of the transboundary procedure
- (iii) Specified in the national legislation as follows:

Your comments:

Polish law does not contain any special provisions in this regard. National legislation only stipulates that, the General Directorate for Environmental Protection, in consultation with the administrative authority conducting the environmental impact assessment of the activity, agree with the Affected Parties on the time schedule of proceedings (including the length of public participation), taking into account the need to ensure the participation in the proceedings of competent authorities and the public of the Affected Party. At the same time, Poland as the Party of Origin asks the Affected Party to provide information when and where documentation has been published in the affected country in order to confirm that rights to participate has been granted to the public of the Affected Party. The arrangements regarding public participation include: the time when documents will be publicly available, the dates when public participation starts and ends, the time limit to provide any comments or remarks to the Party of Origin. Moreover, the following documentation is translated to the language of the Affected Party in order to conduct effective and equal public participation: a project information sheet; an application for a decision; the part of the project's environmental impact report, which will enable the Affected Party on whose territory the planned project may have an impact, to assess the possible significant transboundary environmental impact.

**I.3.10. How can the public of your country, as an affected Party, express its opinion on the environmental impact assessment documentation of the proposed project further to articles 2 (6), 3 (8) and 4 (2)? Please specify (more than one option may apply):**

- (a) By sending comments in writing directly to the competent authority of the Party of origin, or to the ministry responsible for environmental affairs/focal point in the affected Party
- (b) In a territory of the affected Party: by taking part in consultations [on the basis of the environmental impact assessment documentation] or a special event, where the opinions of the public are officially registered
- (c) In a territory of the Party of origin: by taking part in consultations or a special event, where the opinions of the public are officially registered
- (d) Other (please specify):

Your comments:

The legal requirements regarding public participation in a transboundary EIA proceeding when Poland is the Affected Party are established in Article 119 (1) of the EIA Act. The authority responsible for this procedure is the Regional Director for Environmental Protection who is competent in respect of the area which may be possibly affected by the transboundary impact on the environment. The part III, chapter 2 of the EIA Act (public participation in decision making) is applied appropriately.

Polish public can send comments either directly to the competent authority of the Party of Origin or comments are collected by the competent Regional Director for Environmental Protection. Furthermore, the General Director for Environmental Protection submits those comments to the responsible authority/focal point of the Party of Origin.

## **Article 4 Preparation of the environmental impact assessment documentation**

**I.4.1. How do you determine the relevant information to be included in the environmental impact assessment documentation in accordance with article 4 (1)? Please specify (more than one option may apply):**

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments received from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify):

Your comments:

The scoping procedure is described in Article 63, Article 68 and Article 69(1) of the EIA Act. For planned projects which might have a significant impact on the environment (activities listed in annex II of the EU Directive on EIA), the need to conduct EIA is investigated (screening) by the relevant authority. Scoping is carried out together with screening on the basis of information submitted by the proponent together with application for a decision. When the necessity to conduct EIA is determined by the authority, at the same time the scope and content of the EIA documentation is defined. The authority considers the current state of knowledge and research methods as well as the existing technical possibilities and availability of data, while defining the scope. Based on the location, character and magnitude of the environmental impact of the project, the authority may exclude certain requirements concerning the content of the EIA documentation stipulated in the EIA Act. Likewise it may indicate the types of alternative

options which need to be examined, the types of impacts and the elements of the environment which require fully detailed analysis, as well as the scope and methods for the assessment.

For planned projects which might always have a significant impact on the environment, for which EIA is mandatory (activities listed in annex I of the EU Directive on EIA) a scoping stage is not obligatory. Nevertheless, the proponent has a right to approach a competent authority with a question regarding the scope and the content of the EIA documentation. In such situation, the proponent submits the application for issuing a decision together with the basic information about a project (so called information sheet) instead of EIA documentation.

When the planned project may have a transboundary impact on the environment the scoping stage is mandatory.

According to the Article 64(3) of the EIA Act the screening and scoping decision is issued by a competent authority after obtaining opinions about a planned project from the relevant Regional Director for Environmental Protection and Sanitary Inspection authority. Whenever a planned project is situated in the maritime areas, an opinion of the Director of Maritime Office needs to be obtained as well.

Moreover, in accordance with Article 111(1) of the EIA Act comments and applications regarding the project information sheet submitted by the Affected Party participating in the procedure on the transboundary impact on the environment, shall be considered when issuing the screening and scoping decisions referred to in Article 63(1) and Article 69(3).

**I.4.2. Article 4 states that: “The environmental impact assessment documentation... shall contain, as a minimum, the information described in appendix II.” What quality control measures are provided for in the legislative or administrative framework of your country, as a Party of origin, to ensure sufficient quality of the documentation? Please specify:**

- (a) The competent authority checks the information provided and ensures that it includes all information required under appendix II as a minimum before making it available for comments
- (b) By using quality checklists based on the requirements listed in appendix II
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Article 66(1) of the EIA Act of Law specifies the content of the EIA documentation. This article says in details what kind of issues need to be included in the EIA documentation and is in full compatibility with appendix II of the Espoo Convention. Moreover, the requirements of this article for the content of the EIA documentation are more extended than specified in appendix II – it is in full compliance with the EU Directive on EIA.

Additionally, Article 74a(2) describes the requirements for the author of the EIA documentation or in case of team of authors – the person responsible for the whole team (manager). Such a person should be qualified and experienced sufficiently to elaborate EIA documentation with a high level of quality.

Your comments:

**I.4.3. How do you determine “reasonable alternatives” in accordance with appendix II (b)?**

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) Other (please specify):

Your comments:

The obligation to identify the “reasonable alternatives” is stipulated in Article 66(1) point 5 of the EIA Act, which determines that EIA documentation should contain a description of the options analysed with regard to specific characteristics or impact of the planned project, including:

- the option proposed by the proponent and a reasonable alternative,
- the reasonable alternative which is the most favourable for the environment, along with justification of the choice.

Moreover, the relevant authority while defining the scope and content of EIA documentation may indicate in the scoping decision the types of alternative options which need to be examined.

## **Article 5**

### **Consultations on the basis of the environmental impact assessment documentation**

**I.5. Does your national environmental impact assessment legislation provide for organizing transboundary consultations between the authorities of the Parties concerned?**

- (a) Yes, it is obligatory
- (b) Yes, it is optional  (please specify):
- (c) No, it does not have any provision on that

Your comments:

If the Affected Party express the willingness to participate in a transboundary procedure for a certain project, conduction of consultations is obligatory.

According to the Article 109(3) point 1 of the EIA Act, the Party of Origin consults and agrees with the Affected Party the dates of the particular stages of the whole procedure.

When Poland is the Party of Origin, the authority which carries out the EIA for a planned project holds obligatory consultations with the Affected Party (based on Article 110(1) of the EIA Act in accordance with art. 5 of the Espoo Convention). The General Director for Environmental Protection participates in the consultations as a mediation authority.

The Article 110(2) of the EIA Act says that where the General Director for Environmental Protection deems it purposeful in the light of the importance or intricacy of the case, consultations may be taken over by the General Director for Environmental Protection, while the authority which carries out the EIA procedure is participating.

## **Article 6**

### **Final decision**

**I.6.1. Please select from the list below the information that your country, as a Party of origin, in accordance with its legislative and administrative framework, should take due account of in the final decision on the proposed activity (art. 6 (1)):**

- (a) Conclusions of the environmental impact assessment documentation
- (b) Comments received in accordance with articles 3 (8) and 4 (2)
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party/ies
- (f) Mitigation measures
- (g) Other (please specify):

Your comments:

Additionally, Article 82 of the EIA Act indicates that in the issued decision, the following should be included:

- the type of the implemented project and its localization,
- relevant conditions for the use of the environment during the implementation and operation phase of the project, with particular emphasis on the protection of valuable natural values, natural resources and monuments, as well as reduction of the nuisance to neighbouring areas,
- necessary environmental protection requirements,
- requirements for counteracting the effects of industrial accidents,
- requirements for limiting transboundary environmental impact.

If applicable, the following requirements are included as well:

- the necessity to implement environmental compensation,
- the obligation to avoid, prevent and limit the impact of the project on the environment,
- the obligation to perform monitoring on the impacts of the project on the environment.

**I.6.2. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6 (1))?:**

- (a) Yes
- (b) No  Please explain the differences

Your comments:

Generally, the national law pursuant to Article 37 of the EIA Act requires that the authority which conducts the procedure considers comments and suggestions. In the justification of the decision, it provides information on public participation in the procedure, how and to what extent comments and suggestions submitted by public have been taken into account.

Moreover, Article 80 of the EIA Act orders that the decision on the environmental conditions is issued by the competent authority taking into account:

- results of the reconciliations and opinions given by the authorities competent in the field of sanitary inspection and environmental protection issues,
- findings presented in the EIA documentation,
- results of the public participation,
- results of the transboundary EIA procedure, if applicable.

Additionally, the Article 85 of the EIA Act says that the justification of the decision on the environmental conditions shall contain:

- information on the conducted procedure requiring public participation and the manner how and to what extent comments and suggestions submitted during to public participation have been considered,
- information on how and to what extent the following were considered:
  - a) findings of the EIA documentation,
  - b) reconciliations issued by the Regional Director for Environmental Protection and opinion of the Sanitary Inspection,
  - c) the results of the transboundary EIA procedure.

**I.6.3. According to article 6 (3): If additional information on the significant transboundary impact of a proposed activity, which was not available at the time a decision was made with respect to that activity and which could have materially affected the decision, becomes available to a concerned Party before work on that activity commences, that Party shall immediately inform the other concerned Party or Parties. If one of the concerned Parties so requests, consultations shall be held as to whether the decision needs to be revised.**

**Is there any regulation in your country that ensures the implementation of the provisions of article 6 (3)?**

- (a) No
- (b) Yes, by legislation  (please specify):

According to Article 145 §1 point 5 and 155 of the Administrative Procedure Code in relation to Article 87 EIA Act, the decision might be revised under certain circumstances. When the final decision has already been issued, it might be revised if new facts or new evidence, existing on the day of issuing the decision, and were revealed later, but were not known before to the authority competent to issue this decision.

- (c) Yes, by other means  (please specify):

Your comments:

**I.6.4. Do all activities listed in appendix I (items 1–22) and major changes thereto require a final decision to authorize or undertake such an activity in your legislative framework?**

- (a) Yes
- (b) No

If “No”, please list those activities listed in appendix I or major changes thereto for which there is no requirement for a final decision. Please explain why those activities/major changes do not require a final decision in your national legislation.

## **Article 7**

### **Post-project analysis**

**I.7. Is there any provision regarding implementation of post-project analysis in your national environmental impact assessment legislation (art. 7 (1))?**

- (a) No
- (b) Yes  Please specify:

On the basis of Article 82(1) point 5 of the EIA Act the competent authority in the decision on the environmental conditions may impose on the proponent the requirement to perform and present a post-project analysis and sets out its scope and the date of its presentation.

The definition of a post-project analysis is given by Article 83 (1) of the EIA Act. In this kind of analysis, findings concluded in the EIA documentation and the decision on the environmental conditions are compared with real environmental effects of a given project. In particular, the envisaged nature and scope of the environmental impact of the project and the proposed preventions measures, compared with the actual environmental impact of the project and measures undertaken to reduce it. Such analysis may for example indicate the need to designate an area of restricted use for the project. On the basis of national law, the proponent has an obligation to present the post-project analysis in the date specified in the decision on the environmental conditions by a competent authority. When a transboundary EIA has been conducted, such analysis is forwarded to the Affected Party

Your comments:



## Article 8

### Bilateral and multilateral cooperation

**I.8.1. According to article 8: “The Parties may continue existing or enter into new bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Convention and under any of its protocols to which they are a Party. Such agreements or other arrangements may be based on the elements listed in appendix VI.”**

**Has your country established any bilateral or multilateral agreements to implement the Convention?**

- (a) No
- (b) Yes  Please specify with which countries:

Poland is a Party of two bilateral agreements on a transboundary EIA: with Germany and Lithuania. Both agreements are source of generally applicable law and are legally binding for the Parties. The issues covered are in general as specified in appendix VI of the Espoo Convention, however some practical issues are also included, accordingly to the needs identified during the mutual cooperation.

If publicly available, please also attach the texts of any such bilateral and multilateral agreements, preferably in English, French or Russian.

The texts of both agreements are publicly available, although only in the languages of the Concerned Parties:

Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on the implementation of the Convention on environmental impact assessment in a transboundary context, signed in Warsaw on May 27, 2004 (M. P. of 2005, No. 13, item 238).

<https://monitorpolski.gov.pl/MP/rok/2005/wydanie/13/pozycja/238>

Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on environmental impact assessments and strategic environmental impact assessments in a transboundary context, signed in Neuhardenberg on October 10, 2018 (Journal of Laws of 2021, item 330).

<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20210000330>

Your comments:

Poland is also conducting extensive discussions with Republic of Slovakia and Republic of Belarus (currently suspended) in order to establish bilateral agreements with those countries.

**I.8.2. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):**

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the environmental impact assessment
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities

(g) Undertaking joint environmental impact assessment, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies

(h) Other, please specify:

Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on environmental impact assessments and strategic environmental impact assessments in a transboundary context covers the following issues:

- scope of the application (e.g., the requirements for application of the transboundary EIA),
- notification (e.g., the scope and content of notification, indication of authorities competent to notify and to be notified, as well as involved in particular stages of EIA, manner of providing statements and forwarding documents, deadlines for response, example form of acknowledging the receipt the notification and declaration of participation),
- EIA documentation (e.g., the required content, submission to the Affected Party (indication of competent authorities), deadline for comments and statements, example form of acknowledging the receipt of the EIA documentation),
- public participation (e.g., rules of organizing public participation in the Affected Party and rights given to the public from the Affected Party),
- positions, statements (with comments) of the relevant authorities from the Affected Party (e.g., indication of the authorities of the Party of Origin competent to receive such positions with comments),
- exchange of information (e.g., general provisions on opportunity to directly exchange information between authorities from both Parties that are involved in the procedure),
- consultations on the basis of EIA documentation before issuing the final decision (e.g., the general rules to carry out such consultations, time-frames, topics for discussion),
- submission of the final decision to the Affected Party (e.g., the obligation to provide the final decision available to the public in the Affected Party),
- post-project analysis (e.g., general rules of performing and presenting its findings to the Affected Party),
- meeting deadlines (the means that might be used in order to meet deadlines),
- translation of documents (e.g., the scope of translation, which Party bears the costs of translations, both documents as well as interpreter during meetings),
- relevant authorities,
- settlement of disputes.

Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on the implementation of Convention on Environmental Impact Assessment in a Transboundary Context has similar content as the abovementioned Polish-German agreement.

Your comments:

## **Complimentary information related to legal implementation of the Convention**

### **I.9.1. Please describe how the steps required under your national legislation for carrying out a transboundary procedure are interlinked with a domestic environmental impact assessment procedure in the lead-up to the final decision.**

In doing so, please also describe differences between the steps (i.e. screening/scoping, preparation of the environmental impact assessment, consultation, public participation,

making a final decision) of a domestic procedure and a transboundary procedure, if any:

Alternatively, this question can be answered or supported by a schematic flow chart showing these steps.

Your comments:

**(1) Notification:**

- basic information about the planned project (information sheet)
- information about a national EIA procedure
- type of administrative decision
- usually a 30-day deadline for declaration and comments on scoping

**(2) Declaration of participation:**

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

**(3) Scoping:**

- comments on the scope and content of the EIA documentation

**(4) EIA documentation:**

- prepared by the proponent in paper and electronic version, containing a separate chapter on transboundary impacts on the environment
- statements of relevant authorities

**(5) Public participation of the Affected Party:**

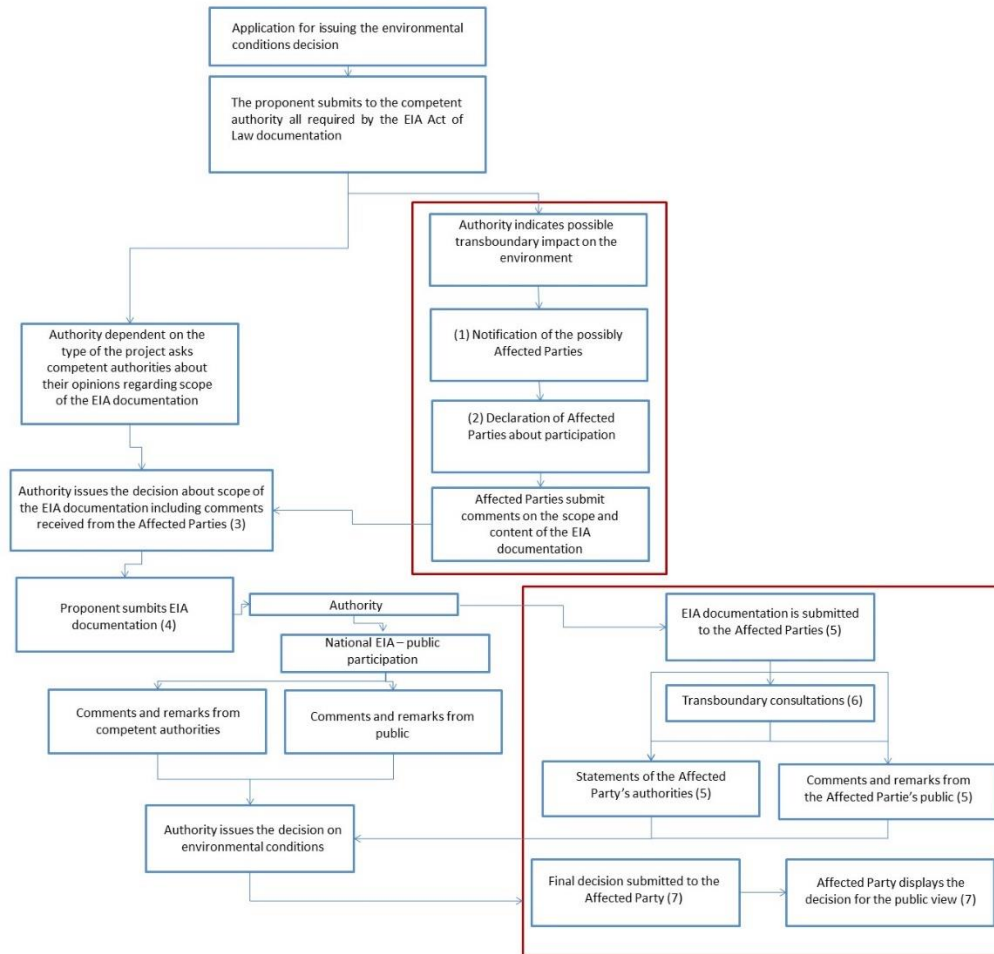
- the same rules as applied towards the Polish public
- 30-day period for getting acquainted with the EIA documentation and making comments
- comments considered and taken into account if relevant

**(6) Transboundary consultations:**

- obligatory consultations in a form of the information exchange via official letters
- meeting at governmental level (if necessary)
- topics for discussion: transboundary impacts, mitigation and minimizing measures

**(7) Final decision:**

- binding for further proceedings with the project
- submitted to relevant authorities of the Affected Parties
- made publicly available for public review in Affected Parties and possibility to appeal



**I.9.2. Does your country have special provisions or informal arrangements concerning transboundary environmental impact assessment procedures for joint cross-border projects, the construction of nuclear power plants and/or their lifetime extension?**

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>
(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>
(i) Special provisions:	(i) Special provisions:	(i) Special provisions:
(ii) Informal arrangements:	(ii) Informal arrangements:	(ii) Informal arrangements:
Please explain:	Please explain:	Please explain:

Your comments:

## Part two

### Practical application during the period 2019–2021<sup>3</sup>

Please report on your country’s practical experiences in applying the Convention (not your country’s procedures, as described in part one), whether as a Party of origin or as an affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improving its application.

Part two also focuses on general issues arising from the sixth review of implementation of the Convention (2016–2018)<sup>a</sup> and issues that have been identified as priorities by Parties in the 2021–2023 workplan.<sup>b</sup> It also addresses the goals of the Long-term strategy and the action plan for the Convention and the Protocol that requires that the reviews of implementation be adapted, in particular, “to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice ...”.<sup>c</sup>

<sup>a</sup> United Nations publication, ECE/MP.EIA/32.

<sup>b</sup> ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

<sup>c</sup> ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex, item II.A.9.

#### A. List of transboundary procedures initiated during the period 2019–2021

**II.1. Please indicate, in the table provided in annex I to the present questionnaire, the total number of transboundary environmental impact assessment procedures initiated in the reporting period in relation to activities listed in appendix I to the Convention and in which your country was a Party of origin or affected Party. Please also indicate the number and types of transboundary procedures related to activities not listed in appendix I that your country implemented in the reporting period as a Party of origin or as an affected Party, if any.**

Your comments: Answer to that question is provided below in the annex I.

**II.2. Please list transboundary environmental impact assessment procedures referred to in question II.1. above using table 1 of annex II to the present questionnaire for procedures in which your country was a Party of origin and table (2) for procedures in which your country was an affected Party.**

Your comments: Answer to that question is provided below in the annex II.

**II.3. According to paragraph 10 of decision VIII/5 of the Meeting of the Parties the project lists referred to in question II.2 above and annex II to the present questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” and explain, as relevant:**

(a) Yes (my country has an objection the compilation and posting of this information)

Please explain:

(b) No (no objection)

<sup>3</sup> Part II of this questionnaire is not considered to be a reporting obligation according to the Convention. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

Your comments:

## **B. Experience in the transboundary environmental impact assessment procedure during the period 2019–2021**

Please share with other Parties your country's experience of using the Convention in practice. When responding to each of the questions below, please provide one or two practical examples and/or describe your country's general experience. You might also include examples of lessons learned in order to help others.

### **II.4. Please provide at least one example of the implementation of the Convention for an activity listed in appendix I to the Convention based on the template contained in annex III to the present questionnaire.**

Your comments: Answer to that question is provided below in the annex III.

### **II.5. The Convention does not refer to the translation of environmental impact assessment documentation and to other language-related issues as important prerequisites for providing effective public participation of potentially affected Parties in a transboundary procedure. As an affected Party, please specify in which language(s) the environmental impact assessment documentation is made available for your own public to ensure effective public participation in transboundary procedures. (You may select several options, as needed):**

- (a) In the official language(s) of the country  Please specify:

Documentation displayed for the public when Poland is the Affected Party must be provided in Polish or at least the parts of the documentation which will enable Polish public to assess the possible significant transboundary environmental impact on the territory of Poland should be translated. Information in English is only acceptable, if Party of Origin agrees to translate to Polish some parts of the EIA documentation at the request of the Affected Party or Poland translates parts of the EIA documentation to Polish itself.

- (b) Information in English is acceptable

- (c) Please list other languages that fulfil the requirements of effective public participation in your country, if applicable:

Your comments

### **II.6. What difficulties has your country experienced with regard to translation of environmental impact assessment documentation and interpretation during consultation meetings with authorities, or during events organized within the public participation procedure, if applicable, and what solutions has it found?**

- (a) Experience with regard to translation of the environmental impact assessment documentation

- (i) As a Party of origin:

In Poland EIA documentation is translated by the proponent of the activity/project. Poor quality of translation may affect the whole EIA procedure. As a representative of a Party of Origin the General Director for Environmental Protection always underlines the importance of the highest quality of translations to be provided by the proponent of the activity/project.

- (ii) As an affected Party:

From the perspective of the Affected Party, the main issue with translations occurs when the extent of translations made by the proponent is insufficient to recognize and assess the possible significant transboundary impacts on the environment. In such cases Polish authorities need either to provide additional translations on their own or Poland requests the Party of Origin to provide such translations.

When the quality of the translations is very low it affects the whole EIA procedure. The authorities are unable to provide substantive opinions due to incomprehensible language. At the same time the public may not understand the documents properly and so their comments may be inadequate.

As the Affected Party, Poland frequently receives documentation without any translations, unless the bilateral agreement is signed between the Parties. Lack of translations means that they have to be conducted by the Polish Party, which is time consuming and cost-generating. Therefore, the time to prepare the answer of the Polish Party in this case may be longer than expected by the Party of Origin. Especially that translations are necessary for national authorities to express their opinion and to make documentation publicly available. Preparation of the translations consumes time; therefore, the answer of the Affected Party may result in situation where the deadline for a response is not met, hence the Affected Party statement will not be taken into account by the Party of Origin.

To minimize the abovementioned constraints, Poland seeks to cooperate closely on a working basis with Parties of Origin and promotes the concept of bilateral agreements covering problematic issues, such as translations.

(b) Experience with regard to interpretation during consultation meetings with authorities

(i) As a Party of origin:

Consultations are conducted in national languages of the Party of Origin and the Affected Party to ensure mutual understanding and highest level of cooperation. Usually, a very specific and technical vocabulary used during the consultation might be difficult for interpreters. To eliminate such issue, the EIA documentation is provided to the interpreters in advance as a basis document to prepare for the meeting. The type of interpretation is also important (consecutive or simultaneous). A consecutive interpretation might impact duration of the consultation meeting, but on the other hand during simultaneous interpretation some of the context, especially in case of complex issues, might be lost or there is a risk of misinterpretation.

(ii) As an affected Party:

In Polish experience consultations are also conducted in national languages of the Party of Origin and the Affected Party to ensure mutual understanding and highest level of cooperation. However, similar problems are experienced as described above in the point *i) As a Party of origin*.

(c) Experience with regard to interpretation during public participation-related events

(i) As a Party of origin:

Events with public participation are covered with translation to national languages of the Affected Parties' public. The main difficulties faced during such meetings are: the high number of participants and the manner of speaking – very fast and often very emotional. It might be difficult for interpreters to translate properly, especially if the specialist terminology is involved. Another issue is participation of the public from more than one country and difficulties arising from necessity to provide proper multi-language interpretation. Usually such meetings last much longer, than those with participation of only one country.

(ii) As an affected Party:

Unfortunately, public participation-events with Poland as the Affected Party are usually difficult to attend, since most of them are conducted in the language of the Party of Origin and no interpretation is provided for Polish public or even no information about such meeting is provided to the Polish Party.

Your comments:

## **II.7. Which Party covers the cost of translation of environmental impact assessment documentation?**

(a) As a Party of origin:

In the case when Poland is a Party of Origin, the responsibility for translations is imposed on the Polish Party (as stated in the EIA Act – Article 108(1) point 1). Translations are obligatory, what is more, the details of translations are also described in bilateral agreements. Relevant documentation, usually scoping documentation and the EIA documentation, as well as any additional information requested by the Affected Party are translated by the proponent. Notification and official letters are prepared in the language of the Affected Party or English by the competent authority – the General Director for Environmental Protection.

Our positive experience referring to translations is due to the provisions applied by the bilateral agreements on the EIA procedure that Poland has signed, precisising the most important aspects of translations. Even though negotiations on the common draft agreement are complicated and a long-lasting process, the binding provisions of the agreement establishes coherent frames for cooperation, therefore transboundary procedure is much more effective with regard to the duration of the whole process.

(b) As an affected Party:

If the documentation is provided to the Polish Party without any translation (unfortunately it is a very common practice with some countries, especially when no bilateral agreements exist), then translations must be conducted by the Polish Party. In this situation, the transboundary chapter and non-technical summary are translated. In some cases, such information is not sufficient, therefore other chapters are also translated for the full understanding of the planned project, as well as its potential impacts.

Poland receives notification and other documents translated into Polish mostly from countries with which the bilateral agreement on EIA is in force or the advanced draft of bilateral agreement is already prepared.

Very often at the stage of the notification the documentation is in English only or in the language of the Party of Origin. When Poland expresses the willingness to participate in a transboundary procedure, further documentation is presented in Polish.

According to the national law in Poland any documentation made publicly available should be provided in Polish. Even if transboundary documents are provided in English, Poland as the Affected Party has to carry the cost of the translations into Polish anyway.

From the experience, when translations into Polish are not provided, Poland firstly asks the Party of Origin whether conducting such translation on behalf of the Party of Origin is possible. When the Party of Origin is not able to provide the translations, Poland translates documents.

In some cases, when the transboundary cooperation between the Parties is working effectively and accurately, even though there is no bilateral agreement between them, the Party of Origin sends the EIA documentation already translated to Poland and vice-versa. It proves how international cooperation and the mutual understanding of the procedures work perfectly in transboundary matters. It must be noted that due to growing awareness of the proponents and public more and more documentation is being translated to Polish by the Parties of Origin. Parties (and proponents) recognize the need to translate wider extent of the EIA documentation, because it facilitates the whole consultation process. Authorities and public of the Affected Party having access to information in national language, provide more precise comments and statements. When the translation is insufficient, the comments made by authorities and public often relate to the lack of information which is actually already included in the EIA documentation, but was not translated. Therefore, the consultations process is extended due to additional, avoidable exchange of information.

(c) Other, please specify:

Your comments:



**II.8. What parts of the environmental impact assessment documentation does your country usually translate/require to be translated?**

(a) As a Party of origin:

Translations of the documentation forwarded to the Affected Party are obligatory. Details of the translations are described in Article 108(4) of the EIA Act. The authority which issues the decision on a transboundary procedure, establishes the extent of the documentation which should be translated. It obligates the proponent to translate the project information sheet, application to issue the decision, decision on the scope of the documentation and the EIA report in the extent which will enable the Affected Party to assess the possible significant transboundary impacts on the environment on their territory. The extent of the EIA report which is translated might be different depending on the case proceeded and a type of the project.

Moreover, the requirements towards translations are described in detail in bilateral agreements.

(b) As an affected Party:

When the translation of the EIA documentation is not provided by the Party of Origin, Poland translates the transboundary chapter and non-technical summary. However, when those chapters do not provide sufficient information, other chapters must be translated for the full understanding of the planned activity and its potential impacts on the environment.

Your comments:

**II.9. Has the issue of translation been addressed in bilateral agreements between your country and other Parties?**

(a) Yes  Please explain how it has been addressed:

In the agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on environmental impact assessments and strategic environmental impact assessments in a transboundary context, translations are specified in Article 20. According to the agreement The Party of Origin will provide documents, translated into the official language of the Affected Party, as following:

- notification and data pursuant to the Article 3 paragraph 1 and 6 of this agreement,
- data on determining the content and scope of the environmental impact assessment documentation, referred to in Article 3, paragraph 2,
- a non-technical summary of the EIA documentation referred to in Article 4 (1) of the Espoo Convention and those parts of the EIA documentation that will enable the Affected Party to assess the potential significant negative transboundary environmental effects and to enable the Affected Party's to present their statement,
- in the case of maps that are part of the documents referred to in point 3, at least the legend,
- the parts of the decision relating to the planned activity, including the parts of the justification that will allow the Affected Party to see how the decision takes into account:
  - a. the potential significant negative transboundary environmental impact presented in the EIA documentation,
  - b. positions of the Affected Party's authorities, relevant in the decision-making process,
  - c. comments and remarks of the Affected Party's public, relevant in the decision-making process,
  - d. results of the consultations between the Party of Origin and the Affected Party,
  - e. measures for reduction or elimination of the significant negative transboundary impact on the environment.
- information on the means of appeal against the decision concerning the planned activity,
- all the other documents, which are prepared by the Party of Origin, which are crucial for the course of the procedure, especially invitations for the consultations and protocols from the consultations,
- results of the post-project analysis, if performed pursuant to the Article 10 of the agreement.

If the Affected Party stipulates that provided translations are insufficient, it informs the Party of Origin. Both Parties will pursue to the common understanding about additional translations, followed by the extended time to provide the statement by the Affected Party.

Moreover, the public of the Affected Party forwards the comments and remarks to the Party of Origin in their official language, but those additionally may be forwarded in the language of the Party of Origin as well.

In the agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on the implementation of the Convention on environmental impact assessment in a transboundary context, translations are specified in Article 9. According to the agreement The Party of Origin will provide documents, translated into the official language of the Affected Party, as following:

- notification pursuant to Article 3 (2) and (5) of the Espoo Convention;
- a non-technical summary of the EIA documentation referred to in Article 4 (1) of the Espoo Convention and those parts of the EIA documentation that will enable the Affected Party to assess the potential significant negative transboundary environmental effects and to enable the Affected Party's to present their statement,
- final decision together with justification;
- all the other documents, which are prepared by the Party of Origin, which are crucial for the course of the procedure, especially invitations for the consultations and protocols from the consultations;
- results of the post-project analysis;

Moreover, the Party of Origin which organize consultations, discussions and meetings in order to recognize the problem, will ensure the presence of the interpreter for the Affected Party.

(b) No

Your comments:

**II.10. As a Party of origin, how and in which language do you usually provide environmental impact assessment documentation to the affected Party?**

(a) A full set of environmental impact assessment documentation is translated into English

(b) Selected parts of the documentation are translated in English   
Please specify which parts are translated and how they are selected

(c) A full set of environmental impact assessment documentation is translated into the affected Party's language

(d) Selected parts of environmental impact assessment documentation are translated into the language of the affected Party   
Please specify which parts are translated and how they are selected

The authority which issues the decision on a transboundary procedure, establishes the extent of the documentation which should be translated. It obligates the proponent to translate the project information sheet, application to issue the decision, decision on the scope of the documentation and the EIA report in the extent which will enable the Affected Party to assess the possible significant transboundary impacts on the environment on their territory. The extent of the EIA report which is being translated might be different depending on the case proceeded and a type of the project. However, if an EIA procedure in a transboundary context is conducted with more than two countries the abovementioned documentation is translated to English (with exceptions specified by bilateral agreements).

Moreover, translations are described in detail in bilateral agreements.

(e) Other (please specify)

Your comments:

**II. 11. Please indicate how the costs of interpretation during the events organized within the public participation procedure are covered:**

(a) By the developer:  Please explain:

Poland as the Party of Origin covers all the costs of the interpretation during the public hearings. Depending on the type of the hearing, number of participants, level of the expert knowledge. The proponent (developer) is covering all the costs.

(b) By the Party of origin alone:  Please explain

(c) By the affected Party alone:  Please explain

(d) Shared by both Parties concerned upon an agreement:

(e) Please provide details of related agreements and considerations based on which the Parties concerned agreed to share the translation costs:

(f) Other (please specify)

Your comments:

**II.12. Please describe any difficulties that your country has encountered during public participation procedures and consultations referred to in articles 2 (5), 3 (8), 4 (2) and 5 with regard to issues not covered above; for example, with regard to time frames for the duration of public participation and the consultation period and the need for additional information:**

(a) As a Party of origin:

(i) Experience with public participation:

When the public of the Affected Party is especially concerned about certain project, the number of comments received from the public might reach even thousands of submissions. Comments are in the language of the Affected Party; hence it is very difficult to differentiate them and the cost of translations by Party of Origin is incredibly high.

As the Party of Origin Poland has very often experienced problems with public participation when comments received from the public were not adequate to the level of procedure (screening, scoping, EIA documentation).

In addition, the public of the Affected Parties might send their comments directly to the authority responsible for issuing the final decision, which in conjunction with the high number of submission (even thousands) might be difficult to condense into comprehensive and clear summary.

(ii) Experience with consultations under article 5:

Exceeding the time for response of the other Party involved is usually one of the main factors affecting the transboundary procedure, extending and delaying the whole investment process. As a Party of Origin Poland has a negative experience with Affected Parties in this matter. The Affected Parties often fail to meet the deadlines for submitting their opinions on the scope of the EIA documentation or on the EIA documentation. Moreover, they do not ask for prolongation in advance.

As the Party of Origin Poland has faced some difficulties during consultations under art. 5. Participation of local politicians and other representatives of the public of the Affected Party in transboundary consultations, supposed to be held in a form of the expert meeting conducted in accordance with article 5 of the Espoo Convention, can be problematic and can adversely affect the time and results of discussion during such consultations. The discussion in such cases tends to get more focused on political issues and particular interests instead of exchange of professional knowledge in environmental matters regarding the planned project.

At the same time when local authorities which are not specialised in environmental issues are involved, the merits of discussion can be dominated by emotional approach.

The legal status of outcomes of transboundary consultations differs between countries. For Poland as the Party of Origin, the results of consultations are legally binding, while for some other countries (as Parties of Origin) it is only a legal requirement to be fulfilled as part of the procedure. Poland as the Party of Origin transfers arrangements agreed during consultations with the Affected Party (for instance concerning conditions of the project's implementation, environmental monitoring and post-projects analysis) to the EIA decision. Such approach ensures that results of the transboundary consultations in the form of the expert meeting were duly taken into account while issuing the decision.

The definition and purpose of transboundary consultations are understood and seen differently, depending on the country. The character and purpose of consultations, as well as topics and issues that should be discussed between the Parties are viewed much differently. Some Parties are only interested in receiving additional information and explanations regarding the EIA documentation in a written form, while other Parties regard as transboundary consultations only the situation the meeting of experts takes place. Hence, the exchange of the information in official letters is not seen as transboundary consultations.

(b) As an affected Party:

(i) Experience with public participation:

For Poland as an Affected Party the most important problem regarding public participation is the lack of the documentation translations into Polish. Usually, the time provided by the Party of Origin to send the statement of the Polish Party and comments or remarks from the public does not take into account the time needed to provide proper translations. Hence Poland needs to ask the Party of Origin to extend the time for response. Moreover, very often a Party of Origin informs about very tight schedule for a certain planned project.

During public hearings often there is no translation to Polish provided. At the same time public hearings are organized in the territory of the Party of Origin which could be difficult for public of the Affected Party to attend.

(ii) Experience with consultations under article 5:

Sometimes during the expert meeting the Affected Party representatives state the need to receive additional information from the Party of Origin concerning for instance methods presented in the EIA documentation, especially when methodology is based on proprietary project/approach. Unfortunately, the Party of Origin does not always invite the authors of the EIA documentation to the expert meeting, hence it might be difficult to receive all the answers and to conclude such a meeting in a constructive and positive manner.

The outcome of the transboundary consultations differs between the countries in terms of the legal status. For some other countries (as Parties of Origin) it is only a legal requirement to be fulfilled as part of the procedure. Hence, there is no resemblance of the arrangements agreed during the consultations in the final decision. For Poland as the Affected Party, it is crucial that arrangements agreed during consultations (for instance concerning conditions of the project's implementation, environmental monitoring and post-projects analysis) are legally binding for the Party of Origin (therefore the proponent of the project) and transferred to the final decision issued by the Party of Origin. Such approach ensures that results of the transboundary consultations in the form of the expert meeting were duly taken into account while issuing the decision.

Another problematic issue with transboundary consultations is when after the expert meeting, the Party of Origin sends the protocol to the Affected Party without possibility to comment or even issues the final decision without acceptance of the Affected Party to the text of the protocol, hence without signing the protocol by both Heads of the delegations (Affected Party and Party of Origin).

The definition and purpose of the consultations are understood and seen differently, depending on the country. Character and purpose of the consultations, as well as topics and issues that should be discussed between the Parties are viewed much differently.

Your comments:

Poland as the Affected Party experience problems concerning article 6 of the Convention regarding final decision. Poland participates in the numerous transboundary EIA procedures. Such procedures in general last few years until final decision is being issued. Therefore, not always final decisions are being sent to Poland as the Affected Party. Especially that is problematic when personnel of the competent authorities changes and have no knowledge about previously conducted procedures.

**II.13. Has your country carried out post-project analyses in the period 2019–2021:**

- (a) No
- (b) Yes

Please list the projects for which post-project analysis was carried out, describing challenges and lessons learned, if any:

Your comments:

**II.14. Does your country have successful examples of organizing transboundary environmental impact assessment procedures in any of the categories of projects indicated below?**

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>
(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>

If “Yes”, please describe what, in your opinion, made it successful, for example, means of cooperation (for example, contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (for example, translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For construction of nuclear power plants:
- (c) For lifetime extension of nuclear power plants:

You may also wish to describe the example using annex III to the present questionnaire.

Your comments:

**II.15. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) for the information of Parties that, in your view, constitute good practice or lessons learned on various topics:**

Experiences in this regard have been described in the Annex III.

Your comments:

**II.16. The Long-term strategy and the action plan for the Convention and the Protocol<sup>4</sup> recommends enhancing the use of the networks of national focal points for administrative matters<sup>5</sup> and points of contact for notification<sup>6</sup> published on the website of the Convention. Does your country use the networks for contacting the affected Parties' authorities?**

- (a) Yes, my country makes use of the networks
- (b) My country is aware of the networks but is not using them

Please explain why, and describe the alternative ways used by your country to identify which competent authority of the affected Party to contact:

Your comments:

**II.17. Please specify what quality control measures your country, as a Party of origin, applies to ensure sufficient quality of environmental impact assessment documentation and, in particular, that said documentation contains, as a minimum, information described in appendix II to the Convention.**

The answer to that question has been already provided in the I.4.2.

Your comments:

**II.18. Please specify whether alternatives are assessed in the environmental impact assessment documentation and, if so, how. If possible, provide at least one example of such assessment, either as a Party of origin or as an affected Party, or both**

Experiences in this regard have been described in the Annex III.

The obligation to identify the “reasonable alternatives” is stipulated in Article 66(1) point 5 of the EIA Act of Law, which determines that EIA documentation should contain a description of the options analysed with regard to specific characteristics or impact of the planned project, including:

- the option proposed by the proponent and a reasonable alternative,
- the reasonable alternative which is the most favourable for the environment, along with justification of the choice.

Moreover, the relevant authority while defining the scope and content of EIA documentation may indicate in the scoping decision the types of alternative options which need to be examined.

Your comments:

**II.19. Please specify whether the following issues are considered in the environmental impact assessment documentation:**

- (a) Biodiversity
- (b) Climate change
- (c) Circular economy
- (d) Sustainable Development Goal implementation
- (e) Smart and sustainable cities
- (f) Sustainable infrastructure
- (g) Renewables

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<sup>4</sup> ECE/MP.EIA/2020/3–ECE/MP.EIA/SEA/2020/3, item II.A.7.

<sup>5</sup> List of Focal Points for Administrative Matters, available at <https://unece.org/environment-policy/environmental-assessment/focal-points-administrative-matters>.

<sup>6</sup> List of Points of Contact regarding Notification, available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.

(h) Other issues not listed above (please specify):

Please provide at least one example of how one of the above-mentioned issues is addressed in the environmental impact assessment documentation:

You may wish to use the template in annex III to the questionnaire.

Your comments:

There is no legal obligation in national EIA law to include the abovementioned issues in the EIA documentation. Some of the issues indeed can be considered in EIA documentation such as renewables, biodiversity and climate change. While circular economy, smart and sustainable cities as a whole process design, beyond the EIA of a single project is difficult to determine. Such issues might be considered on the basis of the SEA, where few or more projects are being considered with a certain goal established for instance – implementation of one of SDG or design of smart cities.

**II.20. Please indicate whether, in your country's practice, cumulative impacts are taken into account during the assessment under the Convention and, if so, how:**

(a) No

(b) Yes

If “Yes”, please provide at least one example of how cumulative impacts are considered.

Your comments:

The answer to that questions was already provided in the I.1.6, please find below a practical example of the procedure conducted in Poland for offshore wind farm (OWF).

#### **Cumulative impact of offshore wind farms on migratory avifauna – on the basis of FEW Baltic II**

According to Polish law (Article 66 of the EIA Act), the cumulative impact assessment should include other projects implemented or planned for which decisions on environmental conditions have been already issued, located within the area of impact of the planned activity. In case of FEW Baltic II, the cumulative impact assessment on migratory birds has been extended to include projects for which the procedure for issuing a decision on environmental conditions is pending, as well as projects at early stage of investment process.

The cumulative impact assessment of FEW Baltic II on migrating avifauna was carried out by considering 9 other OWFs planned in the close vicinity of this project: Södra Midsjöbanken, Bałtyk Północny, Bałtyk Środkowy II, Bałtyk Środkowy III, Baltic Power, Baltica 1, Baltica 2, Baltica 3, Baltex-2. At the time of carrying out the analysis, there were two wind farms with the decisions issued (Bałtyk Środkowy II, Bałtyk Środkowy III), five wind farms for which the decision-making process has been initiated and two wind farms in early stage of planning.

The planned OWFs, including FEW Baltic II, are located on the migration routes between important breeding and wintering areas in Natura 2000 sites – Polish: Słupsk Bank, the Coastal Waters of the Baltic Sea, Pomeranian Bay and Swedish: Hoburgs Bank och Midsjöbankara – special protection areas (SPAs) designated for population protection of such species as the long-tailed duck, velvet scoter and common scoter.

The location of the OWFs and their density may significantly affect the migratory birds by creating so called the barrier effect. This effect causes the need to modify birds' migration routes, which generates an increase in energy expenditure, affects the condition of birds and potentially may determine the degree of survival and level of breeding success. The species protected under the Natura 2000 network may be forced to avoid the planned OWFs complex during spring and autumn migrations and winter local passages.

To determine the dimension of the impacts of OWFs exploitation on migrating avifauna the cumulative barrier effect was modelled. The model included a forecast of the degree of flight route elongation and energy losses resulting from bypassing the OWFs. The hypothetical streams of flight routes determined for the purposes of modelling indicated the possibility of changes in flight trajectories as a result of the cumulative barrier effect of 10 OWFs projects.

The values of projected parameters for the impact of barrier effect on bird migration were higher than the results obtained for the independent project. In this case it was forecasted that the barrier effect of FEW Baltic II together with 9 OWFs will cause an increase in energy expenditure for the considered species of birds, but only to a small extent, as it will not reach the 10% threshold in relation to the effort spent on migration.

Nevertheless, it was found that leaving the ecological corridor between neighbouring wind farms will contribute to enabling the passage of birds through the OWFs complex and thus reduction of the forecasted energy losses. It was recommended to leave a corridor with a minimum width of 4 km between FEW Baltic II and neighbouring OWF, which was included in the decision on environmental conditions of this particular project.

**II.21. Please indicate whether health issues are taken into account in your country during the assessment under the Convention in practice and, if so, how:**

- (a) No   
(b) Yes

If “Yes”, please provide at least one example of how health issues are taken into account

In accordance with national EIA law health is analyzed as part of the EIA documentation (the environment and the population, including human health and living conditions).

Your comments:

**II.22. Please indicate whether environmental impact assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:**

- (a) No, there is no evidence that environmental impact assessments contribute to the attainment of Sustainable Development Goals   
(b) Yes, (certain) environmental impact assessments significantly contributed to the attainment of Sustainable Development Goals   
(c) Yes, (certain) environmental impact assessments contributed somewhat to the attainment of Sustainable Development Goals

If “Yes”, please list the most relevant Sustainable Development Goals<sup>7</sup> (and their targets) and provide [at least one] example[s] of how environmental impact assessment has contributed to their attainment.

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<sup>7</sup> In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);  
(b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);  
(c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);



Your comments:

Indicating whether a process itself (EIA) contributes to the implementation of SDGs is not possible to determine. The process/procedure itself cannot contribute to specific goals. The result of the EIA – implementation of a specific project could contribute to some of the SDGs such as ensuring healthy life, ensure access to affordable, reliable, sustainable and modern energy, ensuring availability and sustainable management of water and sanitation or sustainable use of oceans.

## C. Experience in using the available guidance documents in 2019–2021

### II.23. Have you used in practice the following guidance, adopted by the Meeting of the Parties and available online?

<i>Title of guidance document</i>	<i>Use of guidance</i>	<i>Your comments and/or suggestions for improving or supplementing the guidance</i>
Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	Poland sometimes use the guidance and apply its recommendations, usually when there is some misinterpretation of the text of the Espoo Convention between Parties. Nevertheless, other Parties are not familiar with the guidance, hence its mutual application is burdensome and problematic.

- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
- For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at [http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5\\_April2016/Informal\\_document\\_16\\_ece.mp.eia.wg.2.2016.INF.16\\_\\_Sustainable\\_Development\\_Goal\\_Mapping.pdf](http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__Sustainable_Development_Goal_Mapping.pdf).

Title of guidance document	Use of guidance	Your comments and/or suggestions for improving or supplementing the guidance
Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input checked="" type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	
Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	It has been used in practice several times, unfortunately not every Party is familiar with the document and willing to apply it as a good practice.
Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants (ECE/MP.EIA/2020/9)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	
Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities (ECE/MP.EIA/24)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the document <input type="checkbox"/> (ii) The document is not relevant <input type="checkbox"/> (iii) The document is outdated and needs revision <input type="checkbox"/>	

<i>Title of guidance document</i>	<i>Use of guidance</i>	<i>Your comments and/or suggestions for improving or supplementing the guidance</i>
Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries (ECE/MP.EIA/28)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (i) I am not aware of the document <input type="checkbox"/> (ii) The document is not relevant <input checked="" type="checkbox"/> (iii) The document is outdated and needs revision <input type="checkbox"/>	
Guidance on Notification according to the Espoo Convention (ECE/MP.EIA/12)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input checked="" type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	

Your comments: In the abovementioned answer it is indicated that some of the guidances are not used, because it is not relevant – the meaning behind this statement is that either the guidance is not relevant due to its geographical scope (*Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries*) or its recommendations has been established in national EIA law or practice or bilateral agreements, therefore there is no need for its further use on a daily basis by Poland (*Guidance on Notification according to the Espoo Convention, Guidance on subregional cooperation*).

## D. Clarity of the Convention

**II.24. Has your country had difficulties implementing the procedures defined in the Convention, either as a Party of origin or as an affected Party, because of a lack of clarity of the provisions?**

No

Yes  Please indicate which provisions and how they are unclear:

Your comments:

Unclear provisions in the Convention are as follows:

1. Article 2 paragraph 1 says: The Parties shall, either individually or jointly, take all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities.

The abovementioned article does not indicate precisely what individually or jointly means, moreover the term “appropriate and effective measures” is strongly biased, since countries have different law orders and recommendations for certain types of projects. This article is also the only indication for conducting joint transboundary EIA procedure by two or more Parties, hence is too general to be the basis for such procedure. A separate guidance in this matter would help Parties to develop a collective approach, applicable in all the countries

when such procedure is conducted. The lack of framework for such type of procedures prevents Parties from taking actions regarding joint projects.

2. Article 3 paragraph 8 – “(...) and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.”

The difference between “directly to the competent authority of the Party of origin” and “through the Party of origin” is unclear. From practical experience the comments of the public of the Affected Party are usually transmitted directly to the competent authority of the Party of Origin by the public on their own. The other option is that the comments of the public are collected by the Affected Party and then sent to the Party of Origin.

3. Article 5 – there are some confusions in interpretation of this article. According to the observed practice some Parties understand transboundary consultations as a many staged process, i.e.: sending EIA documentation, written exchange of information, supplementation of the EIA documentation, and as a final step of the whole procedure - the high level (expert) meeting. On a contrary, other Parties understand transboundary consultations only as organising a high level (expert) meeting. Such differences in understanding the consultation stage of procedure cause some difficulties. Moreover, some Parties do not consider exchange of the information (in official letters) between the Parties about certain project, already after the completion of the EIA documentation – as part of the consultation pursuant to article 5. Following the article 5, the term “reasonable time-frames for consultations” is ambiguous and too general. It should be discussed (maybe in a form of a guidance) how to narrow those frames.

## E. Contributions to the funding of the workplans

**II.25. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Protocol and covered both the Convention and the Protocol:**

- (i) Yes   
(ii) No

If “No”, please provide the information regarding the contributions to the trust fund below.

Your comments:

Income to the Convention's trust fund of Poland: US\$ 15,000 for the intersessional period 2017–2020, to be paid in three instalments of US\$ 5,000 each in 2018, 2019, 2020

**II.26. Through paragraph 4 of decision VII/4–III/4, applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties”.<sup>8</sup> For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1, regarding funding of the adopted workplans, the Meeting of the Parties decided that “all the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget”.<sup>9</sup>**

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

- (i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

- (ii) Individual contribution in 2019

<sup>8</sup> ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

<sup>9</sup> ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

Yes  Amount and currency: USD 5 000

No  Please explain the reason:

(iii) Individual contribution in 2020:

Yes  Amount and currency: USD 5 000

No  Please explain the reason:

(iv) Individual contribution in 2021:

Yes  Amount and currency: USD 7 000

No  Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023: Income to the Convention's trust fund of Poland: US\$ 21,000 for the intersessional period 2021-2023, to be paid in three instalments of US\$ 7,000 each in 2021, 2022 and 2023.

(b) Did your country make in-kind contributions in the reporting period?

Yes  Please describe how:

Participation as an expert in preparation of draft guidance on the applicability of the Convention to the lifetime extension of nuclear power plants by an ad hoc working group.

Organization of the meeting (Warsaw, 23 and 24 January 2020) and co-chairing the preparation of a strategy and an action plan for the Convention and the Protocol.

No  Please explain the reason

## **F. Suggested improvements to the report**

### **II.27. Please provide further suggestions (preferably specific drafting proposals including wording suggestions) for how this report could be improved.**

The question II.2 should be reformulated, since a process itself (EIA) cannot contribute to the implementation of SDGs. The result of the EIA – implementation of a specific project could contribute to some of the SDG (sanitations, water availability etc.), but not a procedure.

The question II.17 considers the same issue as question I.4.2.

Proposal to include in the question II.12. a letter concerning the experience of the Parties regarding the article 6 – final decision, as stated in the comment section Poland as the Affected Party experience problems in this regards. Poland participates in the numerous transboundary EIA procedures. Such procedures in general last few years until final decision is being issued. Therefore, not always final decisions are being sent to Poland as the Affected Party. Especially that is problematic when personnel of the competent authorities change and have no knowledge about previously conducted procedures.

## Annex I

**Number of transboundary procedures initiated by your country, as a Party of origin, and participated in, as an affected Party, in the reporting period**

<i>Activities listed in appendix I to the Convention</i>		<i>No. of procedures as a PoO<sup>a</sup></i>	<i>No. of procedures as an AP<sup>b</sup></i>
1.	Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.	-	1
2. (a)	Thermal power stations and other combustion installations with a heat output of 300 megawatts or more;	-	-
2. (b)	Nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors 1/ (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).	-	1
3. (a)	Installations for the reprocessing of irradiated nuclear fuel;	-	-
3. (b)	Installations designed:	-	-
	- For the production or enrichment of nuclear fuel;	-	-
	- For the processing of irradiated nuclear fuel or high-level radioactive waste;	-	-
	- For the final disposal of irradiated nuclear fuel;	-	-
	- Solely for the final disposal of radioactive waste; or	-	1
	- Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.	-	-
4.	Major installations for the initial smelting of cast iron and steel and for the production of non-ferrous metals.	-	-
5.	Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 metric tons finished product; for friction material, with an annual production of more than 50 metric tons finished product; and for other asbestos utilization of more than 200 metric tons per year.	-	-
6.	Integrated chemical installations.	-	-

<i>Activities listed in appendix I to the Convention</i>		<i>No. of procedures as a PoO<sup>a</sup></i>	<i>No. of procedures as an AP<sup>b</sup></i>
7. (a)	Construction of motorways, express roads 2/ and lines for long-distance railway traffic and of airports 3/ with a basic runway length of 2,100 metres or more;	2	-
7. (b)	Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length.	-	-
8.	Large-diameter pipelines for the transport of oil, gas or chemicals.	-	-
9.	Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 metric tons.	1	-
10.(a)	Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes;	-	-
10.(b)	Waste-disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 metric tons per day.	-	-
11.	Large dams and reservoirs.	-	-
12.	Groundwater abstraction activities or artificial groundwater recharge schemes where the annual volume of water to be abstracted or recharged amounts to 10 million cubic metres or more.	-	-
13.	Pulp, paper and board manufacturing of 200 air-dried metric tons or more per day.	-	-
14.	Major quarries, mining, on-site extraction and processing of metal ores or coal.	-	1
15.	Offshore hydrocarbon production. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 metric tons/day in the case of petroleum and 500 000 cubic metres/day in the case of gas.	-	-
16.	Major storage facilities for petroleum, petrochemical and chemical products.	-	-
17.	Deforestation of large areas.	-	-
18.(a)	Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year (transfers of piped drinking water are excluded);	-	-
18.(b)	In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 per cent of this flow (transfers of piped drinking water are excluded).	-	-
19.	Wastewater treatment plants with a capacity exceeding 150 000 population equivalent.	-	-

<i>Activities listed in appendix I to the Convention</i>		<i>No. of procedures as a PoO<sup>a</sup></i>	<i>No. of procedures as an AP<sup>b</sup></i>
20.	Installations for the intensive rearing of poultry or pigs with more than: - 85 000 places for broilers; - 60 000 places for hens; - 3 000 places for production pigs (over 30 kg); - 900 places for sows.	-	-
21.	Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.	-	-
22.	Major installations for the harnessing of wind power for energy production (wind farms).	1	24
<i>Activities not listed in appendix I for which your country implemented a transboundary environmental impact assessment procedure in the reporting period</i>			
1.	Sewage treatment plant with a capacity 550 population equivalent	1	-
2.	Lifetime extension of nuclear power plant	-	2
3.	Construction of a flood embankment	-	1
4.	Demolition of the existing railway bridges and construction of new objects	-	1
5.	Extraction of minerals/material (sand and gravel)	-	1

<sup>a</sup> Party of origin.

<sup>b</sup> Affected Party.



## Annex II

**A detailed list of the transboundary procedures in which your party participated as a Party of origin (table 1) and as an affected Party (table 2) in the reporting period**

**Table 1**

**Transboundary environmental impact assessment procedures as a Party of origin**

Please find below an example of expected types of answers in each column and feel free to add additional rows as needed

					<i>Please use as checkbox for referring to the progress and indicate the date, if available</i>			
<i>Project name</i>	<i>Starting date (date of the notification sent)</i>	<i>Affected Party/ Parties</i>	<i>Timing of the notification</i>	<i>Submission of the environmental report</i>	<i>Transboundary consultations between authorities concerned, if any</i>	<i>Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any</i>	<i>Final decision (date of issue, if information is available)</i>	
1. <b>Continuation of exploitation of Turów lignite deposit</b> <i>(Kontynuacja eksploatacji złoża węgla brunatnego "Turów")</i>	08.04.2015	Czech Republic Germany	Scoping	12.02.2019	Written consultations: from February 2019 to January 2020 In a form of the expert meeting: CZ: 03-04.10.2019  DE: 04.09.2019	Written comments: CZ: 09.05-08.06.2019 and 30.08-30.09.2019 DE: 01-23.04.2019 and 09-30.12.2019  Public hearing – 19.09.2019	20.01.2020	

					<i>Please use as checkbox for referring to the progress and indicate the date, if available</i>			
<i>Project name</i>	<i>Starting date (date of the notification sent)</i>	<i>Affected Party/ Parties</i>	<i>Timing of the notification</i>	<i>Submission of the environmental report</i>	<i>Transboundary consultations between authorities concerned, if any</i>	<i>Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any</i>	<i>Final decision (date of issue, if information is available)</i>	
2. <b>Works on the E75 line, the Białystok-Suwałki-Trakiszki section, stage II, the Elk-Trakiszki section</b> <i>(Prace na linii E75 na odcinku Białystok-Suwałki-Trakiszki, etap II odcinek Elk-Trakiszki)</i>	25.02.2021	Lithuania	Scoping	<i>Lithuania did not wish to take part in a transboundary EIA. Thus bilateral cooperation in this term was finished on 07.04.2021 when the Affected Party provided Poland with a letter informing about no need to proceed in a transboundary context</i>				
3. <b>Planning of the deepwater container terminal in Świnoujście</b> <i>(Planowanie głębokowodnego portu kontenerowego w Świnoujściu)</i>	24.11.2021	Germany	notification	<i>in process</i>	-	-	-	
4. <b>Construction of the offshore windfarm FEW Baltic II</b>	29.03.2021	Sweden Denmark	EIA report	29.03.2021	Written consultations: from March 2021 to July 2021	Written comments: dates N/A	30.11.2021	
5. <b>Construction of the bypass of Kostrzyn (Odra) along the national road no. 31</b> <i>(Budowa obwodnicy m.</i>	26.03.2021	Germany	scoping	<i>in process</i>	-	-	-	

Please use as checkbox for referring to the progress and indicate the date, if available

<i>Project name</i>	<i>Starting date (date of the notification sent)</i>	<i>Affected Party/ Parties</i>	<i>Timing of the notification</i>	<i>Submission of the environmental report</i>	<i>Transboundary consultations between authorities concerned, if any</i>	<i>Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any</i>	<i>Final decision (date of issue, if information is available)</i>
<i>Kostrzyn nad Odrą w ciągu drogi krajowej nr. 31)</i>							
6. <b>Sewage management as part of the construction of the Cross-country Skiing and Biathlon Center in Szklarska Poręba – Jakuszyce</b> ( <i>Organizacja gospodarki ściekowej w ramach budowy Ośrodka Narciarstwa Biegowego i Biathlonu w Szklarskiej Porębie – Jakuszycach</i> )	17.05.2021	Czech Republic	Scoping	<i>in process</i>	-	-	-
7. <b>Baltic Pipe</b>	07.02.2018	Germany, Denmark, Sweden	Scoping	30.04.2019	Written consultations from May 2019 to October 2019	Written comments (DK, DE, SE): dates N/A	25.11.2019
8. <b>The First Polish Nuclear Power Plant</b>	02.12.2015 29.12.2015 (Hungary) 17.12.2015 (the Netherlands)	Germany, Czech Republic, Slovakia, Ukraine, Belarus,	Scoping	<i>in process</i>	-	-	-

<i>Please use as checkbox for referring to the progress and indicate the date, if available</i>							
<i>Project name</i>	<i>Starting date (date of the notification sent)</i>	<i>Affected Party/ Parties</i>	<i>Timing of the notification</i>	<i>Submission of the environmental report</i>	<i>Transboundary consultations between authorities concerned, if any</i>	<i>Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any</i>	<i>Final decision (date of issue, if information is available)</i>
		Finland, Lithuania, the Russian Federation, Denmark, Latvia, Estonia, Sweden, Austria; Hungary, the Netherlands					
9. <b>1B.2 Stage I and Stage II Modernization works on Odra River as part of the Flood Protection Project in the riverbasins of Odra and Vistula</b>	23.01.2018	Germany	Scoping	20.09.2018	Written consultations from November 2018 to December 2019  In a form of the expert meeting: 17.01.2020	Written comments: DE: 22.10.2018-20.11.2018	18.03.2020

**Table 2**  
**Transboundary environmental impact assessment procedures as an affected Party**

Please find below an example of expected types of answers in each column, and feel free to add additional rows as needed

<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Please use as checkbox for referring to the progress and indicate the date if available</i>			
				<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
1. <b>Construction of flood banks on the Petrůvka (Piotrówka) river</b>	Notification: 06.08.2015  Response sent: 25.09.2015  Stage of the procedure: screening/scoping	Czech Republic	06.08.2015	17.07.2017	Written consultations: June 2015 to January 2019  Expert meeting: 29.01.2019	Written comments: from November to December 2017	N/A
2. <b>Construction and exploitation of two wind turbines at Lubusz Wind Park (Lebus-Mallnow-Podelzig)</b>	Notification: 15.01.2019  Response sent: 13.02.2019 Stage of the procedure: EIA report	Germany	15.01.2019	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			

Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	When were the documents on screening and scoping received, if available?	Please use as checkbox for referring to the progress and indicate the date if available			
				Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means: for example, written comments, events organized,) if any	Final decision (date when final decision was received)
3. <b>Demolition of the existing railway bridges and construction of new objects over Odra River in the railway line nr 6078</b>	Notification: 12.02.2019  Response sent: 11.03.2019  Stage of the procedure: EIA Report	Germany	12.02.2019	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			
4. <b>Extraction of minerals/material (sand and gravel) from the Bruzgi deposit in Grodno region and construction of a production base and driveway</b>	Notification: 13.06.2019  Response sent: 24.06.2019  Stage of the procedure: scoping	Belarus	13.06.2019	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			
5. <b>Construction and exploitation of 3 wind turbines in Ramin/Bismark (R1)</b>	Notification: 03.07.2019 Response sent: 02.08.2019 and 16.09.2019  Stage of the procedure:	Germany	03.07.2019	<i>in process</i>	-	-	-

Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	When were the documents on screening and scoping received, if available?	Please use as checkbox for referring to the progress and indicate the date if available			
				Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means: for example, written comments, events organized,) if any	Final decision (date when final decision was received)
	scoping						
6. <b>Construction and exploitation of 3 wind turbines in Ramin/Bismark (R2)</b>	Notification: 03.07.2019  Response sent: 02.08.2019 and 16.09.2019  Stage of the procedure: scoping	Germany	03.07.2019	<i>in process</i>	-	-	-
7. <b>Continuation of mining activities by OKD, p. a., Darkov and ČSM Mines in the period 2021 - 2030</b>	Notification: 20.08.2021  Response sent: 02.10.2021  Stage of the procedure: screening/scoping	Czech Republic	20.08.2021	<i>The proponent of the project withdrew the application.</i>			
8. <b>Construction of the offshore windfarm Aflandshage Øresund, Denmark</b>	Notification: 18.10.2019  Response sent: 26.11.2019	Denmark	18.10.2019	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			

Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	When were the documents on screening and scoping received, if available?	Please use as checkbox for referring to the progress and indicate the date if available			
				Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means: for example, written comments, events organized,) if any	Final decision (date when final decision was received)
	Stage of the procedure: scoping						
<b>9. Construction a new nuclear power plant Sizewell C, Leiston, Suffolk, England</b>	Notification: 31.10.2019  Response sent: 13.12.2019  Stage of the procedure: scoping	United Kingdom	31.10.2019	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			
<b>10. Planned extension of refinery in Schwedt/Oder</b>	Notification: 13.11.2019 Response sent 05.12.2019 and 31.01.2020  Stage of the procedure: scoping	Germany	13.11.2019	<i>in process</i>	-	-	-
<b>11. Construction of radioactive waste repository in Riso</b>	Notification: 21.11.2021  Response sent: 07.01.2020	Denmark	21.11.2019	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			



Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	When were the documents on screening and scoping received, if available?	Please use as checkbox for referring to the progress and indicate the date if available			
				Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means: for example, written comments, events organized,) if any	Final decision (date when final decision was received)
	Stage of the procedure: scoping						
12. <b>Construction of a flood embankment on the left side of the Mandau Rover in Zittau-Pethau</b>	Notification: 15.05.2020  Response sent: 23.06.2020  Stage of the procedure: scoping	Germany	15.05.2020	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			
13. <b>Construction and exploitation of 4 wind turbines Vestas V150 Tantow III</b>	Notification: 20.01.2020  Response sent: 02.04.2020  Stage of the procedure: EIA report	Germany	20.01.2020	02.04.2020	N/A	Written comments: from February 2020 to March 2020	N/A
14. <b>Construction and exploitation of 5 wind turbines on the investment area Tantow (WEG 29)</b>	Notification: 20.03.2020	Germany	20.03.2020	16.04.2020	N/A	Written comments: from April 2020 to May 2020	N/A

					<i>Please use as checkbox for referring to the progress and indicate the date if available</i>			
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>	
	Response sent: 02.04.2020 and 16.04.2020							
	Stage of the procedure: EIA report							
<b>15. Construction and exploitation of 3 wind turbines ENERCON E-115, E-138, E-160 in the Grambow municipality</b>	Notification: 14.04.2020	Germany	14.04.2020	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>				
	Response sent: 18.05.2020							
	Stage of the procedure: scoping							
<b>16. Lifetime extension of Loviisa nuclear power plant</b>	Notification: 20.08.2020	Finland	20.08.2020	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>				
	Response sent: 05.10.2020							
	Stage of the procedure: screening/scoping							

<i>Please use as checkbox for referring to the progress and indicate the date if available</i>							
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
<b>17. Lifetime extension of Doel 1 and Doel 2 reactors</b>	Notification: 13.08.2020 Response sent: 28.09.2020 Stage of the procedure: scoping	Belgium	13.08.2020	01.07.2021	Written consultations: from April 2021 to September 2021	Written comments: From April 2021 to June 2021	N/A
<b>18. Offshore windfarm Sodra Midsjobanken</b>	Notification (readmission): 07.09.2020 Response sent: 23.10.2020 Stage of the procedure: scoping	Sweden	07.09.2020	<i>in process</i>	-	-	-
<b>19. Offshore wind farm Galatea-Galene</b>	Notification: 23.09.2020 Response sent: 30.10.2020 Stage of the procedure: scoping	Sweden	23.09.2020	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			

Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	When were the documents on screening and scoping received, if available?	Please use as checkbox for referring to the progress and indicate the date if available			
				Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means: for example, written comments, events organized,) if any	Final decision (date when final decision was received)
<b>20. Wind farm Forst-Briesnig</b>	Notification: 16.10.2020  Response sent: 26.11.2020 Stage of the procedure: scoping	Germany	16.10.2020	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			
<b>21. Wind farm VTE Sudice</b>	Notification: 01.12.2020  Response sent: 20.01.2021  Stage of the procedure: screening/scoping	Czech Republic	01.12.2020	<i>in process</i>	-	-	-
<b>22. Wind farm VTE Trebom</b>	Notification: 01.12.2020  Response sent: 20.01.2021  Stage of the procedure: screening/scoping	Czech Republic	01.12.2020	<i>in process</i>	-	-	-

				<i>Please use as checkbox for referring to the progress and indicate the date if available</i>			
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
<b>23. Baltic Eagle offshore wind farm</b>	Notification: 08.12.2011  Response sent: 12.01.2012  Stage of the procedure: scoping	Germany	8.12.2011	04.03.2013, 11.02.2021 (supplemented EIA report)	Written consultations: September 2013 and December 2020-February 2021	Written comments: March 2013 (EIA report), September 2013 (supplemented EIA report)	N/A
<b>24. Kattegat Syd offshore wind farm</b>	Notification: 24.02.2021  Response sent: 24.03.2021  Stage of the procedure: scoping	Sweden	24.02.2021	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			
<b>25. Construction and exploitation of wind turbine in Sonnenberg municipality</b>	Notification: 30.04.2021  Response sent: 08.06.2021  Stage of the procedure: screening/scoping	Germany	30.04.2021	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>			

				<i>Please use as checkbox for referring to the progress and indicate the date if available</i>			
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
<b>26. Offshore wind farm Skane Havsvindpark</b>	Notification: 02.06.2021  Response sent: 27.07.2021  Stage of the procedure: scoping	Sweden	02.06.2021	<i>in process</i>	-	-	-
<b>27. Offshore wind farm Dyrning</b>	Notification: 08.11.2021  Response sent: 16.12.2021  Stage of the procedure: scoping	Sweden	8.11.2021	<i>in process</i>	-	-	-
<b>28. Offshore windfarm Triton</b>	Notification: 02.11.2021 Response sent: 06.12.2021  Stage of the procedure: scoping	Sweden	02.11.2021	<i>in process</i>	-	-	-

					<i>Please use as checkbox for referring to the progress and indicate the date if available</i>			
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>	
<b>29. Wind farm project in Jammerland Bay</b>	Notification: 10.11.2021  Response sent: 30.11.2021  Stage of the procedure: scoping	Denmark	10.11.2021	<i>Poland did not express the willingness to participate in the transboundary environmental impact assessment procedure</i>				
<b>30. Offshore windfarm Aurora</b>	Notification: 05.11.2021  Response sent: 15.12.2021  Stage of the procedure: scoping	Sweden	05.11.2021	<i>in process</i>	-	-	-	
<b>31. Offshore wind farm Kultje</b>	Notification: 08.11.2021  Response sent: 16.12.2021  Stage of the procedure: scoping	Sweden	08.11.2021					

<i>Please use as checkbox for referring to the progress and indicate the date if available</i>							
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
<b>32. Construction and exploitation of 5 wind turbines Vestas V150 in Ladenthin/Grambow</b>	Notification: 12.11.2021  Response sent: 01.02.2022  Stage of the procedure: EIA report	Germany	12.11.2021	01.02.2022	N/A Poland was informed about changes to the proponent's application, therefore new notification will be required.	Written comments: from December 2021 to January 2022	N/A
<b>33. Installation and Operation of the Offshore Wind Farm of up to 700 MW Installed Capacity in Lithuania's Marine Territory</b>	Notification: 09.12.2021  Response sent: 10.01.2022  Stage of the procedure: scoping	Lithuanian Republic	09.12.2021	<i>in process</i>	-	-	-
<b>34. Offshore windfarm Arkona</b>	Notification: 22.12.2021  Response sent: 24.02.2022  Stage of the procedure: scoping	Sweden	22.12.2021	<i>in process</i>	-	-	-



Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	When were the documents on screening and scoping received, if available?	Please use as checkbox for referring to the progress and indicate the date if available			
				Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means: for example, written comments, events organized,) if any	Final decision (date when final decision was received)
35. Offshore wind farm Area O-1.3 "Wind Anker"	Notification: 24.01.2022  Response sent: 10.01.2022  Stage of the procedure scoping	Germany	25.01.2021	<i>in process</i>	-	-	-
36. Khmelnytskyi NPP unit 3 and 4	Notification: 21.01.2011  Response sent: 04.02.2011  Stage of the procedure scoping	Ukraine	21.01.2011	12.06.2012, 12.06.2018 (after resumption of the project)	Written consultations: May 2013  Expert meeting: 22.08.2013  Written consultations: from July to August 2018  Expert meeting (after reassumption of the project): 22.05.2019	Written comments: July 2012 (EIA report), August 2019 (EIA report after resumption of the project)	N/A
37. Baltic Pipe	Notification: 19.12.2017	Denmark	19.12.2017	06.05.2019	Written consultations:	Written comments: from	25.10.2019

Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	When were the documents on screening and scoping received, if available?	Please use as checkbox for referring to the progress and indicate the date if available			
				Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means: for example, written comments, events organized,) if any	Final decision (date when final decision was received)
	Response sent: 15.02.2018				from December 2017 to August 2019	February 2019 to April 2019	19.10.2021 (changed)
	Stage of the procedure scoping						
<b>38. Baltic Pipe</b>	Notification: 09.02.2018	Sweden	09.02.2018	20.08.2018	Written consultations: from August 2018 to October 2019	Written comments: from June 2019 to September 2019	07.05.2020
	Response sent: 22.03.2018						
	Stage of the procedure scoping						
<b>39. Baltic Pipe</b>	Notification: 12.03.2018	Germany	12.03.2018	<i>The project implementation on the German territory was withdrew.</i>			
	Response sent: 10.04.2018						
	Stage of the procedure scoping						
<b>40. Lifetime extension of Rivne nuclear power plant</b>	Notification: 29.01.2018	Ukraine	29.01.2018	02.10.2019	Writing: October 2019 – cont.	Written comments:	N/A

				<i>Please use as checkbox for referring to the progress and indicate the date if available</i>			
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
	Response sent: 26.02.2018				Expert meeting: 28.04.2021	from September 2019 to October 2019	
	Stage of the procedure: scoping						
<b>41. Optimization of processing capacities for Javys, a. s. radioactive waste treatment and conditioning technologies at Jaslovske Bohunice site</b>	Notification: 06.04.2018	Slovakia	06.04.2018	25.10.2019	October 2019	Written comments: from June to July 2018	24.03.2021
	Response sent: 25.06.2018						
	Stage of the procedure: scoping						
<b>42. Nord Stream 2</b>	Notification: 08.04.2013	Denmark	8.04.2013	26.09.2017 (EIA report); 19.12.2018 (EIA report for the changed project) 17.07.2019 (EIA report for the 2 <sup>nd</sup> change of the project)	Written consultations	Written comments: from April to June 2017 (EIA report),  from October to December 2018 (EIA report for changed project),  from May to July 2019 (for the 2 <sup>nd</sup>	30.10.2019; 06.07.2020 (change)
	Response sent: 18.06.2013						
	Stage of the procedure: scoping						

<i>Please use as checkbox for referring to the progress and indicate the date if available</i>							
<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
						change of the project);  Public hearing: on 14.11.2018 in Denmark;	
<b>43. European gas connection line EUGAL - IPPC</b>	Notification: 22.09.2017  Response sent: 27.10.2017  Stage of the procedure: scoping	Germany	22.09.2017	28.02.2018	written comments (December 2017-February 2018); expert meeting on 17.07.2018	Written comments: December 2017-Februar 2018 Public hearing: 26.04.2017	6.03.2019
<b>44. Offshore wind farm in Kriegers Flak</b>	Notification 13.07.2012  Response sent: 25.09.2012  Stage of the procedure: scoping	Denmark	13.07.2012	03.01.2020	Written comments: January 2020	Written comments: from February 2020 to March 2020	03.02.2020

## Annex III

### Template to describe an example of application of a transboundary procedure in accordance with the Convention in the reporting period

Please provide at least one example of application of a transboundary environmental impact assessment procedure in accordance with the Convention in the reporting period using the template and reflecting on the priorities of the 2021–2023 workplan and the long-term strategy. Should you wish to share more examples, please copy the template, as needed.

#### I. GENERAL INFORMATION

Please provide the following general information about the selected example:

1. Title of the transboundary procedure:

**Continuation of exploitation of Turow lignite deposit**

2. Party's role in the procedure and a list and roles of other Parties involved

Party of origin: <input checked="" type="checkbox"/>	Affected Party: <input type="checkbox"/>
Affected Party/ies: <b>Czech Republic</b> <b>Germany</b>	Party/ies of origin: (please list)

3. Duration and period of implementation: April 2015 – January 2020

4. Stage(s)/step(s) of the procedure presented in this example:

The entire procedure

Notification (art. 3):

Preparation of the environmental impact assessment documentation (art. 4):

Consultations of the basis of the environmental impact assessment documentation (art. 5 (a)–(c))

Final decision (art. 6):

Post-project analysis (art. 7, if applicable)

Other , please specify:

#### II. BACKGROUND

Please provide a short description of the activity, the context of its development and general information about the environmental impact assessment procedure

The subject of the decision on environmental conditions (EIA decision) was the continuation of exploitation of the Turów lignite deposit. The Turów Mine is located in the south-western part of the Lower Silesia Province, in the Zgorzelec powiat, in the Bogatynia municipality, at the state border with the Federal Republic of Germany to the west and the Czech Republic to the south and east. The mine and the area of the planned continuation of exploitation of the Turów lignite deposit was entirely located within the administrative boundaries of the Bogatynia municipality

The planned project assumed the extraction of the remaining lignite from the Turów deposit in the process of opencast mining. It was, in fact, continuation of the activities already carried out. The expected operation time was 24 years, up to 2044, however dependent on the demand for electricity produced from lignite.

The coal mining process was planned to be carried out, as it was already, in a continuous and interconnected technological system (ECS system: Excavator - Conveyor - Stacker) within a new mining area. Further exploitation of the Turów lignite deposit was planned to be carried out in the areas already occupied by the excavation and internal dumps, and in a fragment of the documented deposit south and south-east of the current boundaries of the excavation. The current open-pit excavation with the internal dump covered an area of approximately 26 km<sup>2</sup>. The area transformed by opencast works planned under this project was estimated at approximately 30 km<sup>2</sup>. The assumed annual coal production was determined for the project with regard to the planned excavation periods and possible changes in demand on coal.

Germany and the Czech Republic were notified at the stage of scoping. Both Parties expressed willingness to participate in the transboundary EIA procedure on the rights of the Affected Parties. Based on the comments received during scoping, the EIA documentation was prepared and provided to Parties. Public participation was carried out (in a form of written comments and public hearing), as well as transboundary consultations in the form of written information exchange and expert meeting as part of intergovernmental transboundary consultations pursuant to Art. 5 of the Espoo Convention. From both meetings, with Czech and German Party protocols were drawn up, the findings of which were agreed and approved by the heads of the governmental delegations. Furthermore, both Parties were provided with the EIA decision along with translations to Czech and German and information on measures to submit an appeal.

### **III. PROCEDURE UNDER THE CONVENTION AND ELEMENTS OF GOOD PRACTICE**

Please describe, in more detail, using the subsections below, the procedural step(s) considered to represent good practice and then explain why that is.

#### **1. Notification (art. 3):**

Germany and Czech Republic were notified in accordance with Art. 3 of the Espoo Convention on the planned implementation of the project concerning the continuation of the exploitation of the "Turów" lignite deposit at the stage of scoping.

Project Information Sheet (hereinafter: KIP) was submitted in German and Czech language, together with the notification. KIP contained information on i.e., the planned project; the nature of the decision to be issued for the planned project; type, features, scale and location of the project; the area of the real estate occupied, as well as the building structure and the current method of their use and covering the real estate with vegetation; type of technology; possible variants of the project; anticipated amount of water, raw materials, materials, fuels and energy used; solutions to protect the environment; types and expected amounts of substances or energy released into the environment with the use of solutions protecting the environment; possible transboundary impact on the environment and on areas under protection that are within the scope of a significant impact of the project.

The Affected Parties together with notification were also asked to submit comments to KIP and the scope of the environmental impact assessment documentation (hereinafter: EIA report). Submitted statements and remarks of Affected Parties' authorities and public have been taken into account while determining the scope of the EIA report by the authority competent to issue EIA decision (the Regional Director for Environmental Protection in Wrocław).

In the opinion of Polish Party, an example of a good practice is to extend the deadline for a response about participation of the Affected Party in a transboundary EIA procedure, as it was in this particular case.

#### **2. Preparation of the environmental impact assessment documentation (art. 4):**

As it was mentioned above, the EIA report was prepared based on the statements of the Affected Parties submitted during scoping stage. Furthermore, the paper and electronic form

of the EIA report was submitted to the Affected Parties in order to provide comments and statements to its content and to initiate public participation in the Affected countries.

Public in Poland, Germany and Czech Republic had the opportunity to submit comments and remarks to the EIA report, consolidated EIA report and also during administrative hearing open to the public which was organized in the city of Bogatynia (location of the project).

**In addition to the description above regarding the preparation of the environmental impact assessment documentation, please indicate the following:**

**(a) What alternatives were assessed and presented in the environmental impact assessment documentation?**

Since the planned project constituted a continuation of the mining activities the alternatives were distinguished based on technical parameters i.e., industrial/operational resources of coal, the depth of mining activities, the slope of the excavation area, the scope of the earthworks, the time of the earthwork's execution, the planned reclamation works, the direction of reclamation, as well as the different area of planned coal mining continuation. For instance, the alternatives 1 and 2 assumed coal mining in the south-eastern part of the lignite deposit, within the previously planned range - within the existing mining area. The implementation of third (3) alternative involved the necessity to occupy a larger area of built-up and undeveloped land. At the same time so-called zero alternative was assessed as well.

**(i) At what level of detail were the alternatives described?**

As described above, alternatives were described on a level of detail such as technical parameters of the mining activities and area of the planned mining activities.

**(ii) What methods and/or assessment grids were used for the selection of the most reasonable alternative?**

The impacts of each alternative were assessed in terms of all environmental components. Therefore, it would be difficult to list them all, since some of them were highly specific for the individual environmental element. For instance, in terms of the methods for assessment of the impact on groundwater the numerical hydrogeological model was constructed via dedicated software (Groundwater Vistas v. 6.74 Build 30. Environmental Simulations, Inc.). With regard to the terrain movements numerical calculations were performed using the finite element method. While for assessment of surface waters field investigation of biotic and abiotic elements was conducted. Hydromorphology was assessed with a usage of the method developed in the Department of Regional Research in Wrocław - Institute of Meteorology and Water Management (IMGW-PIB), which complies with the requirements of CEN EN 14614:2004 standards. For air quality method for determining the emission factor based on a series of measurements and high-resolution modelling was developed, as well as CALMET/CALPUFF models were used. Acoustic model was developed for impacts concerning noise and assessed in accordance with relevant ISO standards.

Specifics of each methods used and data introduced were described in a detail in the EIA report. The abovementioned is only a short description of some of the methods, while the comprehensive methodological scope was presented in the EIA report together with its specifics which are scientific based and require field knowledge to get acquainted with the approach undertaken.

**(b) Whether the following issues were covered in the environmental impact assessment documentation and, if so, how:**

- (i) Biodiversity
- (ii) Climate change
- (iii) Circular economy
- (iv) Sustainable Development Goal implementation

- (v) Smart and sustainable cities
- (vi) Sustainable infrastructure
- (vii) Renewables
- (viii) Other issues not listed above:

In the EIA report the planned project implementation was assessed in order to distinguish impacts on climate and biodiversity. However, providing information on how those issues were tackled would constitute interpretation of the EIA report's content, therefore a competency of the authority responsible to issue the EIA decision, beyond this particular questionnaire.

### **3. Consultations on the basis of the environmental impact assessment documentation** (art. 5 (a)–(c)):

Consultations on the basis of environmental impact assessment documentation were carried out via written information exchange as well as intergovernmental consultations in a form of the expert meeting both with Czech and German Party.

During written information exchange, after receiving statements of the Affected Parties authorities and public to the EIA report, the proponent of the project prepared answers to the questions raised, and at the same time changes with regard to modelling of noise emissions and particulate matter were implemented in the report. Such consolidated EIA report was sent to the Affected Parties for analysis and public participation.

Topics discussed with German Party during expert meeting concerned air pollution, noise, lowering of the groundwater table, land subsidence and surface water monitoring, as well as planned mitigation measures. In this particular case, due to the discussions and data presented, Parties agreed on the additional need to build an earth mound in order to introduce a barrier effect for a noise emitted from the mining area. After the meeting the protocol from transboundary consultations has been draw up, agreed mutually and signed by the heads of the Polish and German delegations. The protocol was prepared in Polish and German. As an official document of the EIA proceeding the protocol concluded the main findings and arrangements of the meeting, such as further need to provide explanations regarding air and noise pollution, together with information about the deadline for providing them.

Based on consolidated EIA report Czech Party prepared the list of topics which were discussed at intergovernmental consultations in a form of the expert meeting. During two days meeting Parties (authorities and experts) discussed matters concerning project's parameters and characteristics, impacts of the planned project on surface and groundwaters, impacts on air quality and climate, impacts on acoustic environment, impacts on terrain and natural resources, impacts related to the subsequent reconstruction of the area, mitigation measures (i.e., planned groundwater barrier, acoustic barriers, conveyor cases, silent rollers and other particulate matter control systems, technical and management operations), as well as environmental monitoring and compensation measures. During transboundary meeting the Parties also agreed on the further schedule of the proceeding and that final statement of the Czech Party will be presented and taken into account by Polish Party while issuing the EIA decision. Similarly, the protocol has been drawn up in Polish and Czech, and agreed mutually by both Parties. Furthermore, it was signed by the heads of the delegations – Polish and Czech.

Arrangements from both protocols signed from intergovernmental meetings conducted as expert meetings with German and Czech Party were literally transferred as agreed with Parties to the issued EIA decision.

### **4. Final decision** (art. 6):

EIA decision was issued by the Regional Directorate on Environmental Protection in Wroclaw on 21 January 2020 taking into account received comments and remarks from



authorities and public of the Affected Parties, results of the public hearing and inter-governmental transboundary consultation meetings. Information on issued decision was already provided to the Czech and German Party on 27 January 2020, along with the text of the decision in Polish. The whole content of the EIA decision was translated to German and Czech language and submitted to Parties on 4<sup>th</sup> February 2020.

Along with the EIA decision detailed information was provided concerning rights to appeal the decision including information on entities entitled to appeal against EIA decision, parties to the proceedings, the procedure for submitting an appeal and authorities competent to consider the appeal, forms of appeal, formal requirements for appeal, delivery of decisions, disclosure of information to the public about the decision, deadline for appeal, the results of the appeal procedure, as well as the applicable regulations in the field of environmental impact assessment in a transboundary context in Poland. Therefore, public of the Affected Parties was fully informed about their rights. It should be underlined, that in Poland a deadline to submit an appeal in terms of the transboundary EIA procedure is counted from the day that decision was published/delivered to the public, but in accordance with national law of the Affected Party. Furthermore, from that day the period of submitting the deadline is counted in accordance with the Polish law. As a result, public of the Affected Party has equal rights and opportunities to appeal the EIA decision as public of the Party of Origin.

In the opinion of the Polish Party, it is important to inform the Affected Party as soon as possible that the decision was issued, even though the translation of the decision is not yet available. Such approach facilitates cooperation and builds trust between Parties. Also, translations of the EIA decision are crucial. In this case, whole decision was translated for proper understanding of its content.

At the same time, clear and transparent information concerning possibilities for an appeal is essential, especially that law systems in each country are different.

#### **5. Post-project analysis (art. 7, if applicable):**

During intergovernmental transboundary consultations in a form of the expert meeting, the scope of the environmental monitoring and post-project analysis was agreed between Polish and Czech Party. It must be noted that those arrangements were further implemented in the issued EIA decision. With regard to the monitoring of the project's impact, Parties agreed that art. 7 of the Espoo Convention will be applied, while the subject of the post-project analysis will be covered by Annex 5 of the Convention.

The post-project analysis was planned to be performed after the implementation of the measures aiming at minimizing the adverse impact.

At the same time, each year results of monitoring agreed regarding noise levels, air pollution and quantitative status of groundwater will be presented, based on the data collected by Polish and Czech Party with the proper assessment of the results. Moreover, Parties agreed on a further steps – if on the basis of the monitoring the need to extend or modify the monitoring will be identified. In such a case necessary change will be introduced along with implementation of remedial measures.

Despite no significant adverse impact identified on land settlement due to subsidence, both Parties agreed on conducting every two years an analysis in this regard and to be presented to the Affected Party. In a case when such impact would be identified the investor would undertake remedial measures along with assessment of their effectiveness.

## **IV. LESSONS LEARNED AND ADVICE TO OTHER PARTIES:**

### **1. Please indicate:**

**Challenges in carrying out the procedure, if any, and how they were tackled:**

The EIA report was provided to the Affected Parties along with translation of some parts of the report which would enable Parties to assess the possible significant transboundary environmental impact on their territory. However, it turned out that the extent of translations was not sufficient, therefore additional translations were necessary. Due to that situation, the schedule of the whole EIA procedure had to be updated, which also affected the time frames of the transboundary procedure and start of the public participation in the Affected Parties. In this case only the schedule of the procedure was affected, therefore while conducting translations of the consolidated EIA report, broader scope of the documentation was translated.

### **Lessons learned and advice to other Parties:**

As it was mentioned above, transparency and mutual trust are crucial in cooperation between Parties with different legal systems and often different methodological approach. Organization of transboundary intergovernmental consultations, especially in a form of the expert meeting, proven that, despite very often politically driven issues, cooperation and understanding between scientists and practitioners, based on substantial discussion, always leads to solution. Therefore, in opinion of the Polish Party it is important that during transboundary consultations pursuant to art. 5 of the Espoo Convention governmental authorities are present together with specialists from a different environmental fields. And that those specialists can contribute significantly to the discussion without any constraints. There is no more appealing observation than discussion of the scientists resulting in a concrete conditions and terms for implementation of the project with a respect to the environment.

Moreover, experience of the Polish Party shows that when EIA decision is being issued, it should be announced to the Affected Party at the earliest convenience, even though the translation of the decision is not yet available. Such approach builds trust between Parties. However, it might be difficult to achieve, since different authorities might issue the decisions, than authorities conducting transboundary EIAs and coordinating communication with the Affected Party. Nevertheless, Parties should aim at efficient and effective communication on a working basis, which would later on affect positively the course of the transboundary EIA. One possibility to achieve such level of cooperation are regular bilateral meetings between Parties to discuss current EIA procedures and latest changes in EIA law in each country.

Also, translations at each stage of the EIA procedure are of the most importance. Starting from the translation of the EIA reports, during transboundary consultations meeting and EIA decision. Even though vocabulary connected to the EIA procedures is being more and more popular, there is always a problem with scientific and technical vocabulary. Especially that each EIA case is different as planned projects are from different types of investments. In such a case it is important to involve in the procedure interpreters with experience of translations for a similar type of project or to provide additional time for them to prepare in advance. Therefore, that would be feasible to include the same interpreters along whole EIA procedure until the issuance of the decision and its translation.

### **2. As relevant, please also refer to the contribution of the above application of environmental impact assessment procedure towards the attainment of Sustainable Development Goals<sup>1</sup> or climate objectives:**

<sup>1</sup> In 2017, the Meetings of the Parties acknowledged that the Convention and in particular the Protocol contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);

Since there is no obligation in Polish law to include in the EIA report whether particular project contributes to Sustainable Development Goals, it is unattainable to refer to certain SDGs. Moreover, to indicate that EIA procedure itself contributes to achieving SDGs would be difficult. Especially, that a project might contribute to the fulfilment of the SDGs, rather than the process resulting in issuing the decision. The decision itself is just an official document providing possibility and terms for the project implementation, without pursuing further there would be no impact of the administrative procedure, therefore no contribution to the SDGs.

## **V. ANY OTHER INFORMATION NOT INCLUDED ABOVE THAT YOU MAY WISH TO SHARE:**

- 
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
  - (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
  - (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
  - (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
  - (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
  - (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
  - (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
  - (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
  - (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
  - (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
- For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at [http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5\\_April2016/Informal\\_document\\_16\\_ece.mp.eia.wg.2.2016.INF.16\\_\\_Sustainable\\_Development\\_Goal\\_Mapping.pdf](http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__Sustainable_Development_Goal_Mapping.pdf).