

Questionnaire for the report of the REUBLIC OF POLAND on the implementation of the Protocol on Strategic Environmental Assessment in the period 2019–2021

Information on the focal point for the Protocol

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not its experience in the application of, the Protocol.

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

Article 3

General provisions

I.3. According to article 3 (1) of the Protocol: "Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework." Please provide the main legislative, regulatory and other measures your country has adopted to implement the Protocol (art. 3, (1)) (more than one option may apply):

(a) Law on strategic environmental 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 assessments (Journal of Laws of 2021, item 2373, as amended), hereinafter: *EIA Act*.

<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20210002373>

(b) Strategic environmental assessment provisions are transposed into another law/other laws (please specify, providing title/reference number/year/access link, if any):

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>

(c) Regulation (please indicate title/reference number/year/access link, if any):

The Regulation of the Council of Ministers of 10 September 2019 on projects that are likely to have a significant impact on the environment (Journal of Laws No. 2019, item 1839, as amended), hereinafter: *EIA Regulation*.

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

(d) Administrative rule (please indicate title/reference number/year/access link, if any):

(e) Other (please specify):

Please explain:

Polish regulations regarding strategic environmental assessment (hereinafter: SEA) and transboundary SEA included in the *EIA Act* are transposition of the Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 *on the assessment of the effects of certain plans and programmes on the environment* (hereinafter: SEA Directive). Many Polish legal acts contain references to the SEA (e.g., an indication of the necessity to consider it), but in general the SEA is a separate procedure including, when necessary, the transboundary procedure.

Article 4

Field of application concerning plans and programmes

I.4.1 Which plans and programmes referred to in article 4 (2)–(4) of the Protocol are set out in your country’s legislation?

List the types of plans and programmes that require strategic environmental assessment in your country’s legislation and provide references to the relevant legislation:

There are mentioned 4 main groups of documents in the Art. 46 and 47 of the EIA Act that require SEA:

- 1) planning documents and documents in the field of regional development, only if these documents set the framework for future development consent of projects that may cause significant impact on the environment;
- 2) sector politics, strategies, plans and programmes, only if these documents set the framework for future development consent of projects that may cause significant impact on the environment;
- 3) politics, strategies, plans and programmes other than in point 1 and 2 which may cause significant impact on Nature 2000 sites and are not directly related to the protection of these sites;
- 4) other documents than mentioned in points 1, 2, 3, only if implementation provisions of such a document may have a significant impact on the environment and in agreement with the competent environmental authority.

SEA is required also for changes of the all above mentioned types of documents.

Plans and programmes prepared for:

Agriculture art. 46 (1) (2) of the EIA Act

Forestry art. 46 (1) (2) of the EIA Act

Fisheries art. 46 (1) (2) of the EIA Act

Energy art. 46 (1) (2) of the EIA Act

Industry including mining art. 46 (1) (2) of the EIA Act

Transport art. 46 (1) (2) of the EIA Act

Regional development art. 46 (1) (1) of the EIA Act

Waste management art. 46 (1) (2) of the EIA Act

Water management art. 46 (1) (2) of the EIA Act

Telecommunications art. 46 (1) (2) of the EIA Act

Tourism art. 46 (1) (2) of the EIA Act

Town and country planning art. 46 (1) (1) of the EIA Act

Land use art. 46 (1) (2) of the EIA Act

Other (including those falling under article 4 (3)–(4)), please list: art. 47 (1) of the EIA Act

Please explain:

All the above-mentioned types of plans and programmes are reflected in art. 46 and 47 of the EIA Act.

<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20210002373>

I.4.2. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4 (2)):

Both in the SEA Directive, in the EIA Act and in the current case-law, there is no clarification of the term "setting the framework for future development consent of projects". In Poland, there is a comment by Bartosz Rakoczy, published on the Polish legal website called LEX, reading as follows: "(...) they must set a framework for subsequent projects that are likely to have a significant impact on the environment. This means that they must apply and be related to projects that are likely to have a significant impact on the environment (...). These policies, programmes, strategies and plans must be

specific enough so that they can be considered documents setting the framework for future development consent of such projects (...)". It can be assumed that the concept of "the framework..." means all policy, strategy, programme or policy provisions that make it possible to unambiguously ascertain that under the proposed plan or programme projects can be implemented that are likely to have a significant impact on the environment or the draft plan or programme sets development trends clearly indicating the need to implement projects that may have a significant impact on the environment. Authorities carry out an individual analysis of the issue primarily on the basis of the EIA Regulation, which fully transposes the Appendix I to the Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter referred to as the Convention) into national legislation and is also in full compliance with annex I and II of the Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (hereinafter referred to as the EIA Directive). To assess the need for SEA it is also helpful to refer to Article 49 of the EIA Act, which defines the scope of analysis. In our SEA practice, a plan or programme "sets the framework for future development consent" when it includes one of the projects types listed in the EIA Regulation or directions of development that can be implemented by projects specified in this EIA Regulation. This is in line with the precautionary principle mentioned in the SEA Directive.

It should be also pointed out that, pursuant to the Polish legal system, entering the planned investment into any strategic document does not mean obtaining the development consent for such an investment. The commencement of works may take place after obtaining the development consent, e.g. a construction permit, whose issue for projects that are likely to have a significant impact on the environment is preceded by a necessity to obtain an environmental permit – in cases where it is justified by the provisions of the Polish law transposing the EIA Directive – after an environmental impact assessment of a given project (EIA).

I.4.3. Explain how the term “plans and programmes ... which determine the use of small areas at local level” (art. 4 (4)) is interpreted in your country’s legislation:

Small areas at local level in Poland are municipalities/communities. This term is mentioned in Art. 48 of the EIA Act. According to art. 48 (3) of the EIA Act it is possible to derogate from SEA for the new documents at the municipality/commune level if the implementation of the provisions of such a document does not cause a significant impact on the environment. Also, according to art. 48 (4) of the EIA Act it is possible to derogate from SEA for the changes of the documents if the implementation of the provisions of such a change does not cause a significant impact on the environment and the change is a minor modification of an already adopted document or when the change concerns an area within one municipality/commune.

I.4.4. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4 (4)):

The term of "minor modifications" has not been defined in the EIA Act, but is mentioned in Art. 48 of this Act (as mentioned above). The meaning of that term applies in the case of derogation from SEA. Polish environmental and health authorities consider that matter case-by-case, based on the available interpretations of the regulations, primarily on the comment by Krzysztof Gruszecki, which is contained on the LEX legal website and refers to Article 48 of the EIA Act, and on Article 3(3) of the SEA Directive, which stipulates that minor modifications need to be considered in the context of a plan or programme to be modified in the terms of the probability of their significant environmental impact. Therefore, minor modifications may apply to those parts of a plan and programme that do not result in an increased scale and scope of its impact on individual elements of the environment. These can be e.g., changes in the method of financing the measures, changes in the timetable (irrelevant from the point of view of the impact on the environment) or a change in terminology. SEA findings for the original version of the document to be changed are also taken into account during the analysis. In the case of sectoral documents, derogation from the SEA mostly applies to changes/updates of documents that are already in force. The update of such documents is in most cases a continuation of previous assumptions, objectives and tasks, and it does not define any new framework for future development consent of projects that may have a significant impact on the environment.

Article 5 Screening

I.5.1 According to article 5 (1): “Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches.”

How do you determine which plans and programmes referred to in article 4 (3)–(4) should be subject to a strategic environmental assessment? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain:

Article 46 and 47 of the EIA Act indicate the types of documents that require SEA and conditions which must be fulfilled. These conditions must be always considered on a case-by-case basis by the body developing the document. Besides, it is possible to derogate from the SEA under Article 48 of the EIA Act if the body that develops the draft document in consultation with competent environmental and health authorities decides that the given document or change of document will not have a significant impact on the environment and:

- for the new documents: the document covers the area within one commune/municipality
- for changes of the documents: the change is a minor modification of an already adopted document or it applies to an area within one commune/municipality.

I.5.2. According to article 5 (2), each Party shall ensure that the environmental and health authorities are consulted during screening.

Please explain whether your legislation provides for consultation with environmental and health authorities at the screening stage and, if so, how.

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

Please explain:

In the case of documents related to Art. 46 of the EIA Act there is no requirement for consultation with environmental and health authorities at the screening stage. Determining whether a given document requires SEA is the responsibility of the body developing such document. The environmental and health authorities shall have an advisory role if necessary.

In the case of documents related to Art. 47 (1) of the EIA Act, the need for SEA must be agreed with the competent environmental authority.

I.5.3. According to article 5 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.”

Please indicate whether you provide opportunities for the public concerned to participate in screening of plans and programmes in your legislation and, if so, how.

- No
- Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority

- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

Article 54 (2) of the EIA Act provides for the possibility of public participation in the SEA, but does not specify the stage at which it is to take place. The opportunity for the public concerned to participate in SEA at the screening stage is not provided in Polish legislation, but the public is often involved in the early phase of preparation of plans and programmes due to the legal requirements other than these regarding SEA. Consultations with public concerned in Poland under the EIA Act are conducted only once when the draft document is completed together with the environmental report.

Some information needs to be made public at the screening stage, but this is not a consultation. In the case of documents related to Art. 47 of the EIA Act, the body developing the document makes public its position on the need to conduct SEA or the lack of it.

In case of derogation from the SEA, the body that develop a document makes public the information about the fact without undue delay.

Making the information public is described in the Art. 3 (1) (11) of the EIA Act, by means of promulgation in the Public Information Bulletin, publication in the customary manner at the seat of authority, announcement in the press with a coverage appropriate for the type of document. Also above mentioned information should be published in publicly accessible register.

Article 6 Scoping

I.6.1 According to article 6 (1): “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.”

Please explain how you determine the relevant information to be included in the environmental report.

Article 51 and 52 of the EIA Act determine the content of the environmental report and is compatible with the Protocol on SEA and Directive SEA.

I.6.2. According to article 6 (2), each Party shall ensure that the environmental and health authorities are consulted during scoping.

Please explain whether your country’s legislation provides for consultation with environmental and health authorities at the scoping stage and, if so, how.

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

Please explain:

According to art. 53 (1) of the EIA Act, the body developing the document is required to agree the scope of the report with the environmental and health authorities and – in some cases – with the territorially competent director of the maritime office. These authorities may indicate the need to include some additional elements in the report which are not directly listed in art. 51 and 52 of the EIA Act.

I.6.3 According to article 6 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.”

Please indicate whether your country’s legislation provides opportunities for the public concerned to participate in scoping of plans and programmes and, if so, how.

No

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

As mentioned before in the point I.5.3., article 54 (2) of the EIA Act provides for the possibility of public participation in the SEA, but does not specify the stage at which it is to take place. The opportunity for the public concerned to participate in SEA at the scoping stage is not provided in Polish legislation. Consultations with public concerned under the EIA Act are conducted only once when the draft document is completed together with the environmental report.

Article 7

Environmental report

I.7.1. According to article 7 (2): “The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives.”

How do you determine “reasonable alternatives”? Please specify (more than one option may apply):

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain:

There is no legal definition of "reasonable alternatives" or any requirements for the number of such solutions, there is only an obligation to analyse them in Article 51 (2) (3) (b) of the EIA Act. Reasonable alternatives are analysed on a case-by-case basis by the body developing draft document and are presented in the environmental report. Alternative solutions presented in environmental reports depend, among other things, on: the document type and degree of detail thereof, the planned area development, environmental conditions, the findings for higher-level documents (e.g. for a draft local spatial development plan – a study of conditions and directions of spatial development of commune) and on the findings made in the environmental report. In practice, alternative proposals may concern technical or spatial issues and the timeframe for the implementation of a document. The alternatives in draft local spatial development plans most often concern: the feasibility of a function that differs from the one provided for in the draft; the scale of investments, e.g. the number of wind energy facilities; the location opportunities for projects that may have a significant impact on the environment; land development indicators, e.g. the location of an impassable building line or a minimum share of biologically active surface or the selection of an optimal wastewater treatment system in the absence of connection to the sewerage system. The zero option is usually discussed in a separate section of the report – in the description of the environmental condition in the absence of implementation of a draft document.

I.7.2. According to article 7 (3): “Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.”

How do you ensure that quality of the reports is sufficient? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under annex IV as a minimum before making it available for comments

- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Please explain:

The body developing the document is responsible for the quality of the environmental report. There are no specific procedures or mechanisms for ensuring that quality of the report is sufficient in the EIA Act. The possible need to improve certain elements of the report may be indicated by the environmental and health authority at the consultation stage. Their comments are not binding, but the body responsible for developing the document is obliged to explain at the end of the SEA procedure how the comments have been taken into account.

As explained earlier, the scope of the assessment is defined in Article 51(2), and Article 52(1) and (2) of the EIA Act. In addition, it is also required to agree on the scope and level of detail of the information contained in the environmental report by the competent authorities.

The EIA Act lays down some requirements towards the authors of environmental reports. According to the Article 74a of the EIA Act, the author of an environmental report, and in case of a team of authors, the head of the team, should have a bachelor's or a master's degree in one of the fields: chemistry, biology, earth sciences, biotechnology, mining, engineering geology, environmental engineering, agriculture, forestry, veterinary sciences or have a bachelor's or a master's degree and at least five years of working experience in preparing environmental reports in team (SEA or EIA) or took part in the preparation of at least 5 environmental reports. Declaration confirming the fulfilment of the above conditions should comprise an annex to the environmental report and is made under penalty of perjury for making false statements.

Article 8 Public participation

I.8.1. According to article 8 (2): “Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.”

How do you notify the public and make the draft plans and programmes and the environmental report available? Please specify (more than one option may apply):

- (a) Through public notices in printed media
- (b) Through electronic media
- (c) Placing copies in public offices for the public
- (d) Through other means: Yes

Please explain:

The means of notifying the public are described in art. 3 (1) (11) of the EIA Act and include: announcement on the website of the Public Information Bulletin, announcement in a customary manner, at the seat of the competent authority, announcement in the appropriate press with adequate coverage.

I.8.2. According to article 8 (3): “Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.”

How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means:

Please explain:

The EIA Act contains a very broad concept of “the public”. Pursuant to Article 5 of this Act, everyone has the right to participate in proceedings requiring public participation. Therefore, “the public” is one or more natural or legal persons and their associations, organisations or groups. Besides, the entity requesting information on the environment and its protection is not required to demonstrate its legal or factual interest.

Generally, the public concerned is defined by the area covered by the document. Additionally, the type, geographical location, significance etc. of possible impacts are specified in the environmental report. On this basis it is possible to identify the public concerned or the public identifies itself.

I.8.3. According to article 8 (4): “Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.”

How can the public concerned express its opinion on the draft plan and programme and the environmental report? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify): Yes

Please explain:

The methods used in Poland for public consultation are defined in Chapter 1 and 3 of Section III of the EIA Act and Article 3(1)(11) of the EIA Act and Chapter 3 of Section IV of that Act. Furthermore, in case of draft local spatial development plans and studies of conditions and directions of spatial development of communes, the rules for submission of comments and requests and for provision of opinions determine the regulations of the Act on spatial planning and area development. According to the regulations of the EIA Act, the body that has developed a draft document requiring public participation without undue delay makes public the information about: Commencement of the development of a draft document and its subject; Opportunities to get acquainted with the necessary documentation of the case and the place where it is available for inspection; Opportunity to submit comments and requests; How and where to submit comments and requests, with information indicating at least 21-day deadline for their submission; Body competent to examine the comments and requests; Procedure for the cross-border impact on the environment if it is conducted. The necessary documents of the case include: assumptions or the draft document, the environmental report and the position of other bodies, if available at the time of submission of comments and requests. Comments and requests can be submitted: in writing; orally for the record; by means of electronic means of communication without having to apply electronic signature to them. Comments on draft planning documents developed on a commune scale should be in compliance with the provisions of the Act on spatial planning and area development, and shall be submitted in writing, also with an opportunity to submit them via electronic means. Moreover, the practice shows that in case of some draft documents (e.g., important to a region, voivodeship or association of communes or local interest groups) the bodies developing them organise additional forms of communication with the public that are not provided for by law – meetings, consultations, public debates – with the participation of the public, economic entities, environmental organisations and NGOs which participate in the development of documents. To facilitate the consultation process some authorities prepare additional questionnaires, but the scope of comments cannot be limited.

I.8.4. According to article 8 (4): “The public [concerned, including relevant non-governmental organizations] has the opportunity to express its opinion ... within a reasonable time frame.”

Do you have a definition (for example, a number of days) in your legislation of the term “within a reasonable time frame”? Please specify:

- (a) No, it is defined on a case-by-case basis
- (b) Yes (please provide the definition):
- (c) Other (please specify):

Please explain your selection:

The EIA Act provides at least 21-day deadline for submission of comments and requests within the domestic SEA procedure is determined by the EIA Act.

In case of transboundary SEAs, the time frames are agreed within each procedure with involved Parties to ensure equal treatment of all the public.

Article 9

Consultation with environmental and health authorities

I.9.1. According to article 9 (1): “Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.”

How are the environmental and health authorities identified? Please specify:

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

Please explain:

Environmental and health authorities involved in the SEA procedure are defined by the EIA Act. These include the bodies referred to in Article 57 and 58 of the EIA Act, i.e.: the General Director for Environmental Protection, regional directors for environmental protection, directors of maritime offices and State Sanitary Inspection bodies.

General Director for Environmental Protection – the competent authority for giving opinion on documents (draft documents and environmental reports) and approving the scope of the environmental report under the SEA in case of draft documents developed and amended by the supreme or central government bodies and in case when the planned implementation of a given document covers an area of more than two voivodeships.

Regional Director for Environmental Protection – the competent authority for giving opinion on documents (draft documents and environmental reports) and approving the scope of the environmental report under the SEA in case of draft documents developed at the regional level (maximum 2 voivodeships) and a lower level.

Sanitary Inspection Authority (Health Authority) – depending on the type of draft document – Chief Sanitary Inspector, State Voivodeship Sanitary Inspector or State Poviats Sanitary Inspector – an authority competent for giving opinion on documents (draft documents and environmental reports) and approving the scope of the environmental report under the SEA as regards the impact of implementing of a draft document on safety and health of humans.

Director of Maritime Office – an authority competent for giving opinion on documents (draft documents and environmental reports) and approving the scope of the environmental report under the SEA in case of draft documents relating to marine areas.

I.9.2. According to article 9 (4): “Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.”

How are the arrangements for informing and consulting the environmental and health authorities determined? Please specify:

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

Please explain:

The arrangements are described in Art. 54 (1) of the EIA Act. Draft document along with the environmental report need to be consulted with competent environmental and health authority, and – in some cases – by the territorially competent director of the maritime office. Formulating opinions of the competent authorities is preceded by the request of the body that has developed the draft document and the time frame is 30 days.

I.9.3. According to article 9 (3): “Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.”

Does your national legislation call for consultations with environmental and health authorities?

(a) Yes (please refer to specific provisions and provide citations in order to clarify the issue)

(b) No

Please explain:

Call for consultations with environmental and health authorities is in Art. 54 (1) of the EIA Act –

“The body developing the project referred to in Art. 46 or article. 47 (1), submits the project, along with the prognosis of environmental impact, to the opinion of the competent authorities referred to in article 57 and art. 58. The competent authorities shall issue an opinion within 30 days from the date of receipt of the request for an opinion”.

I.9.4. How can the environmental and health authorities express their opinion?

(a) By sending comments

(b) By completing a questionnaire

(c) In a meeting

(d) By other means (please specify)

Please explain:

As mentioned before, according to Art. 54 (1) of the EIA Act, the competent authorities shall formulate their written opinions on the draft document along with an environmental report within 30 days from the date of receipt of the request for an opinion.

Article 10 Transboundary consultations

I.10.1. According to article 10 (1): “Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.”

As a Party of origin, when do you notify the affected Party?

(a) During scoping

(b) When the draft plan or programme and the environmental report have been prepared

(c) At other times (please specify):

Please explain:

According to Article 113 the EIA Act, if the body that develops the draft of document finds that a significant transboundary impact on the environment may arise as a result of the implementation of the document referred, it shall immediately inform the General Director for Environmental Protection that the effects of

the implementation of this document may have a transboundary impact on the environment and forward the draft document, along with the environmental report. The draft document and the environmental report, shall be translated in the part which will enable the Party affected by the implementation of the project to assess the possible significant transboundary impact on the environment. Having acquired information that the draft document implementation may have a transboundary impact on the environment, the General Director for Environmental Protection shall immediately notify the Party Affected by the implementation of the draft document, enclosing the draft document with notification, along with the environmental report. In notification of the possible transboundary impact on the environment, the General Director for Environmental Protection shall propose a date for the Affected Party to reply whether it is interested in participation in the transboundary SEA procedure.

I.10.2. According to article 10 (2): “[The] notification shall contain, inter alia:

- (a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and**
- (b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.”**

As a Party of origin, what information do you include in the notification? Please specify:

- (a) The information required by article 10 (2)
- (b) The information required by article 10 (2), plus additional information (please specify):

Please explain:

As explained above, in the notification the General Director for Environmental Protection includes the draft document along with the environmental report. The draft document and the environmental report, in the part which will enable the Affected Party to assess the possible significant transboundary impact on the environment are translated into the language of the affected Party. In the notification, the General Director for Environmental Protection proposes a date for the Affected Party to reply whether it is interested in participation in the transboundary procedure. Moreover, bilateral agreement signed with Germany also concerns the content of the notification submitted by the Party of Origin. The agreement specifies additional information to be submitted with notification: information on the type, course and status of the proceedings and on the adoption of the strategic document, including the authority competent to conduct the SEA procedure, as well as information on the authorities participating in the proceedings. At the same time, the General Director for Environmental Protection provides information on schedule, rules and deadlines for submitting authorities' positions, comments and reservations, as well as public participation and provision of their comments.

I.10.3. According to article 10 (2): “The notification shall contain, inter alia: ... an indication of a reasonable time schedule for the transmission of comments.”

As a Party of origin, does your legislation indicate a reasonable time schedule (in days, weeks, months) for the affected Party? Please specify:

- (a) No
- (b) Yes (please indicate how long):

If “Yes”, please explain whether that schedule contains individual time frames for a response to the notification and for provision of comments and specify those in days, weeks, months, as relevant:

EIA Act of Law does not indicate the reasonable time schedule for the Affected Party to respond. However, it might be decided on case-by-case basis. Especially taking into account the extent of the documentation to get acquainted with by the Affected Party. At the same time bilateral agreement signed with Germany also concerns rules and deadlines for submitting authorities' positions, comments and reservations, as well as public participation and provision of their comments.

I.10.4. According to article 10 (3)–(4), when the affected Party expresses its wish to enter into consultations before the adoption of the plan or programme, the Parties concerned shall enter into consultations further to detailed arrangements agreed by them with a view to ensuring that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion within a reasonable time frame.

How do the Parties agree on detailed arrangements?

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) On a case-by-case basis
- (d) In accordance with existing arrangements (for example, bilateral agreement)
- (e) Other (please specify):

Please explain:

According to Article 114 of the EIA Act, where the Affected Party informs that it is interested in participating in the transboundary procedure, the General Director for Environmental Protection shall, in agreement with the administration authority which conducts the strategic environmental assessment, agree with this Party the timeframes of the procedure, taking into account the need to enable the competent authorities and the public of the Affected Party to participate in the procedure. Summarizing, the timeframes for consultations are agreed between the Parties involved. The intent is to ensure the equal treatment of the public both in the Party of Origin and the Affected Party and also to meet all national legal requirements regarding consultations.

Bilateral agreement signed with Germany also concerns SEA procedures. The agreement specifies the rules and deadlines for submitting authorities positions, comments and reservations, as well as public participation and provision of their comments.

Article 11 Decision

I.11.1. According to article 11 (1): “Each Party shall ensure that when a plan or programme is adopted due account is taken of: (a) [t]he conclusions of the environmental report; (b) [t]he measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and (c) [t]he comments received in accordance with articles 8 to 10.”

Please specify how your country ensures that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8–10

Please explain:

The body that develops the draft document – pursuant to Article 55 (3) of the EIA Act – attaches to the adopted document a written summary containing information on how have been taken into account: the findings of the environmental report; the opinions of the competent authorities; the comments and conclusions submitted by public concerned; the results of the transboundary SEA. It also describes the proposals on the methods and frequency of monitoring the effects of the implementation of the document.

I.11.2. According to article 11 (2): “Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities ... and the Parties consulted ... are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received ... have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.”

How and when do you inform your own public and authorities?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

(b) Other (please specify):

Please explain:

According to Article 55 (4) of the EIA Act, after the adoption of a document, the body that has developed it submits the adopted document together with a written summary of the course of the SEA procedure to the relevant authorities referred to in point I.9.1 of this questionnaire.

“The body developing the draft document shall submit the adopted document together with the written summary referred to in paragraph 3, to the competent authorities referred to in Articles 57 and 58”.

After the end of the SEA procedure, the body that has developed the draft document need to published information on the adoption of the document in publicly accessible registers of data pursuant to Article 21(2)(6) of the EIA Act.

“The publicly available register shall include data on:

6) the documents referred to in Articles 46 and 47, together with the written summary referred to in Article 55(3) after their adoption”

The adopted document must also be made public according to Art. 43 of the EIA Act which means: publication on the website of the Public Information Bulletin, announcement in a customary manner, at the seat of the competent authority, announcement in the appropriate press with adequate coverage.

“The body developing the draft document that required public participation shall make public the acceptance of the document and the possibilities of familiarising itself with its content and:

(1) the justification referred to in point (2) of Article 42;

(2) the written summary referred to in Article 55(3), in the case of the documents referred to in Articles 46 and 47”.

I.11.3. Does the information provided to the public and authorities include?

(a) Plan or programme:

(b) Statement summarizing how the environmental, including health, considerations have been integrated into the plan or programme, and how the comments received have been taken into account:

(c) The reasons for adopting the plan or programme in the light of the reasonable alternatives considered:

I.11.4. How do you inform the Parties consulted (art. 11 (2))?

(a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for strategic environmental assessment, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments:

According to Article 117 of the EIA Act the General Director for Environmental Protection shall forward the document, along with the summary referred to in Article 55 of the EIA Act, to the Party which participates in the procedure for the

transboundary impact on the environment. At the same time bilateral agreements indicate specific authorities which should be informed about the adoption of the plan or program and to receive appropriate documents.

Article 12

Monitoring

According to article 12 (1)–(2): “1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes.

...

2. The results of the monitoring ... shall be made available ... to the authorities ... and to the public.”

I.12. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes:

The obligation to monitor the significant environmental impact that is a consequence of implementing plans and programmes results directly from the legal regulations specified in the EIA Act. In the course of the SEA procedure, already at the stage when the scope and level of detail of the environmental report for a draft document is approved, it is required that the report includes proposals for the anticipated methods of analysis of the effects of implementing a draft document and the frequency of conducting it (Article 51(2)(1)(c) of the EIA Act). The next step is to provide opinions on the draft document together with a report by the competent environmental authorities. The environmental authority analyses and evaluates the monitoring proposals, indicating the detected irregularities and deficiencies. Additionally, the authority that develops the draft document – pursuant to Article 55(3)(5) of the EIA Act – attaches to the adopted document a written summary containing, among other things, information on how "(...) proposals for the methods and frequency of monitoring of the effects of implementing the document's provisions" have been taken into account and to what extent they have been addressed. The legislator has also obligated the authority that develops the draft document (pursuant to Article 55(5) of the EIA Act) to monitor the effects of implementing the provisions of the adopted document in terms of its environmental impact according to the frequency and methods referred to in the above-mentioned written summary.

Article 13

Policies and legislation

According to article 13 (1): “Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.”

I.13. Does your country have national legislation on the application of principles and elements of the Protocol as regards policies and legislation? Please specify.

(a) Yes (please specify which articles of the Protocol apply):

(b) No

Please explain:

The EIA Act in Art. 46 (1) (2) and (3) applies also to policies that require SEA.

Part two

Practical application during the period 2019–2021¹

Please report on your country's practical experiences in applying the Protocol (not your country's procedures, as described in part one). The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol and innovative approaches to improving its application. Parties' reporting also provides useful information to other countries within and beyond the United Nations Economic Commission for Europe (ECE) region that facilitates their efforts to implement and accede to the Protocol.

Part two also focuses on issues identified in the third review of implementation^a by Parties and those issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the objectives of the Long-term strategy and the action plan for the Convention and the Protocol related to: "Adapting the reviews [of implementation] to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice..."^c

^a United Nations publication, ECE/MP.EIA/SEA/14.

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

^c Ibid., decision VIII/3–IV/3, annex, item II.A. 9.

A. Some specific questions related to domestic and transboundary implementation in the period 2019–2021

II.1. Does your country's strategic environmental assessment documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified

II.2. Does your country's strategic environmental assessment documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

¹ Part II of this questionnaire is not considered to be a reporting obligation according to the Protocol. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

B. Example of application of the Protocol in your country during the period 2019–2021

II.3. Please provide, using the table provided in annex I to this questionnaire, the (approximate) number of domestic strategic environmental assessment procedures initiated during the 2019–2021 period, list them grouped by the sectors listed in article 4 (2), and indicate their average duration and costs.

II.4. Please provide the (approximate) number of transboundary consultations referred to in article 10 of the Protocol that your country, during the reporting period, initiated, as a Party of origin, and participated in, as an affected Party. Please use the table in annex II to this questionnaire listing the transboundary procedures grouped by the sectors listed in article 4 (2), indicating their average duration.

II.5. Do you have a register of the domestic and transboundary strategic environmental assessment procedures (cases) that can be accessible for other Parties to consult, as needed?

<i>Domestic procedures</i>	<i>Transboundary procedures</i>
(a) Yes <input checked="" type="checkbox"/>	(a) Yes <input checked="" type="checkbox"/>
(b) No <input type="checkbox"/>	(b) No <input type="checkbox"/>
If so, please provide the access link to the register: http://bazaos.gdos.gov.pl/web/guest/home	If so, please provide the access link to the register: http://bazaos.gdos.gov.pl/web/guest/home

II.6. According to paragraph 10 of decision IV/5 on reporting and review of implementation of the Protocol,² the lists of domestic and transboundary strategic environmental assessment procedures included in the responses to questions II.3 and II.4 of the questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” in the table below and explain, as relevant:

<i>Domestic procedures (list provided under question II.3 and link to register referred in question II.5, if provided)</i>	<i>Transboundary procedures (list provided under question II.4 and link to register referred in question II.5, if provided)</i>
(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain: (b) No (no objection) <input checked="" type="checkbox"/>	(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain: (b) No (no objection) <input checked="" type="checkbox"/>

² ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3.

C. Experience with the strategic impact assessment procedure in 2019–2021

II.7. Please list the benefits of strategic environmental assessment that are identified by your country:

- (a) Cost effectiveness
- (b) More focused and informed planning
- (c) Coordination with other sectors/i.e. avoiding overlaps or discrepancies
- (d) Environmental and health benefits
- (e) Other

Please provide your comments:

SEA is a very important and useful stage that allows for early identification and mitigation or avoidance of any conflicts and threats that may arise during the implementation of individual investments. Therefore, SEA is a source of a lot of valuable information useful at the investment stage. The early gathering of information facilitates the development of good-quality documentation at the decision stage or the exclusion of certain options for achieving a given goal before the EIA stage. SEA also allows the public concerned to be included in the decision-making process already at the planning stage.

I.8. Has your country experienced substantial difficulties in interpreting particular terms contained in (or particular articles of) the Protocol?

- (a) No
- (b) Yes (please indicate which ones):

II.9. Please indicate how your country overcomes these difficulties, if any. Please provide examples that may include, among other things, working with other Parties to find solutions or using existing guidelines or fact sheets:

II.10. With regard your country's experience with domestic and/or transboundary procedures:

- (a) Please describe your country's procedures for ensuring that the health aspects are properly incorporated into the environmental report and that the health authorities are consulted as provided for in article 3

Article 51 and 52 of the EIA Act determine the content of the environmental report and is compatible with the Protocol on SEA and Directive SEA. Art. 51 (2) (2)(e) indicates that in the report should be analyzed expected significant impacts, including direct, indirect, secondary and cumulative impacts, short-term, medium-term and long-term, permanent and temporary, and positive and negative, among others on people.

Consulting with health authorities is required in the EIA Act during scoping stage and consultation stage (opinion making).

- (b) To contribute to the sharing of knowledge and experience on themes outlined in the workplan for 2021–2023, please provide at least one example of your country's application of strategic environmental assessment in one or several of the following areas:

- Biodiversity
- Circular economy
- Energy transition
- Development cooperation
- Smart and sustainable cities
- Sustainable infrastructure
- Maritime spatial planning

(When describing your experience, please indicate the name of the plan/programme subject to strategic environmental assessment, provide background information or describe the context in which the document has been developed, describe the stages of the procedure and other issues of interest for other Parties. Please flag good practice, and/or lessons learned, referring, as relevant, to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals or climate objectives. When providing an example, you may also make use of the template in annex III to the present questionnaire.)

An example has been described in Annex 3 of this template.

(c) Please indicate whether strategic environmental assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

Yes, (certain) strategic environmental assessments significantly contributed to the attainment of Sustainable Development Goals

Yes, (certain) strategic environmental assessments somewhat contributed to the attainment of Sustainable Development Goals

No, there is no evidence that strategic environmental assessment contributes to the attainment of Sustainable Development Goals in practice

If “Yes”, please list the most relevant Sustainable Development Goals³ (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their achievement.

³ 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 targets of the Sustainable Development Goals 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);
 - (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 informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at

SEA in Poland can contribute mostly to achieve the following Sustainable Development Goals, especially when it considers programs for sectors such as water management, waste management or energy:

3 Good health and well-being

6 Clean water and sanitation

7 Affordable and clean energy

To indicate specifically which SDGs are contributed in SEA procedures in Poland, the content of the documents (plans and programmes) should be defined. As there are many different types of documents on many different levels of planning undergoing SEAs in Poland, it is not possible to give the precise answer to this question. Moreover, the SEA process itself cannot be considered as contributing to the implementation of the SDGs, rather the findings of the plan or programme which undergoes the SEA process. Certain SDGs might be fulfilled when implementation of the projects in the strategic documents will take place, for instance purification of water, water supply to public, certain waste management plans etc.

II.11. Please indicate whether your country has been carrying out monitoring according to article 12.

(a) No

(b) Yes :

If so, please specify types of plans or programmes subject to the monitoring according to article 12, citing good practice examples or elements of good practice (for example, consultation or public participation), if available

As described above, the obligation to monitor the significant environmental impact that is a consequence of implementing plans and programmes stems directly from the legal regulations specified in the EIA Act. The existing monitoring systems can be used for monitoring. The authority that develops the draft document indicates in the environmental report for example that the effects of implementing the document will be monitored by the Regional Inspectorate for Environmental Protection in the course of the conducted monitoring or as a result of controls of the projects under implementation.

II.12. With regards to your country's experience with transboundary procedures, in response to each of the questions below, please either provide one or two practical examples or describe your country's general experience. You might also want to include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

The problems with translations are mostly the insufficient quality of the translation or insufficient extent of the translated documentation. In both cases the Parties involved try to agree on the solution. In case of poor quality of the translation provided by the Party of Origin, Poland asks the Party of Origin whether conducting the translation on the behalf of the Party of Origin is possible. When the Party of Origin does not provide the corrected translations, Poland translates the documents. In case of insufficient extent of the translation, Poland asks the Party of Origin to supplement the documentation, indicating the scope of information to be translated. When the translations are not provided, Poland translates the missing documents.

(ii) Other issues

The insufficient quality of some environmental reports is also the important issue. The comments provided by Poland during the scoping phase may not be taken into account in the environmental report without any explanation. It may also happen that the arguments regarding the possible negative transboundary effects and the relevant compensation measures are missing or insufficient to support the conclusions presented. In a statement summarizing the procedure sometimes there is no sufficient explanation on how the comments received in accordance with the Articles 8 to 10 of the Protocol have been taken into account.

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__SDG_Mapping.pdf.

Sometimes the adopted document is not submitted to Poland as the Affected Party. Whether some of the above-mentioned situations occur, Poland contacts other Parties to ensure that the problem is solved.

- (b) What elements of the environmental report and other documentation does your country usually translate as a Party of origin?

As already explained, Poland as a Party of Origin translates the draft document and the environmental report in the extent which will enable the Affected Party to assess the possible significant transboundary impacts on the environment.

- (b) As an Affected Party, please specify whether and how your country has ensured the participation of the public concerned and the authorities pursuant to article 10 (4):

- (i) No
(ii) Yes (please indicate how):

The principles and the timeframes for consultations are agreed between the Parties involved. The intent is to ensure the equal treatment of the public both in the Party of Origin and the Affected Party and also to meet all national legal requirements regarding consultation.

- (c) What has your country's experience been of the effectiveness of public participation?

The public either of the Party of Origin or the Affected Party in most cases is not very active. It is different however, when a draft plan or program sets frames for a controversial activity, with a possible strong negative impact on the quality of life or on some particularly precious elements of environment. An example of may be surface mining or activities potentially affecting Natura2000 sites.

- (d) Does your country have examples of organizing transboundary strategic environmental assessment procedures for joint cross-border plans and programmes?

- (i) No
(ii) Yes (please describe):

During the reporting period Poland did not conduct transboundary SEA procedures for a joint cross-border plans or programmes.

An interesting example is Interreg. Poland participates in cross-border cooperation programs, i.e. Interreg. SEA is also carried out for these documents. Public consultations under the SEA are conducted in all countries (or parts of countries) covered by a given Interreg. As part of the SEA for Interreg, of which Poland is part, no possibility of cross-border impacts beyond the area of Interreg coverage was identified, therefore no cross-border consultations were conducted.

D. Experience regarding guidance in 2019–2021

II.13. Has your country used in practice the following documents:

Good Practice Recommendations on Public Participation in Strategic Environmental Assessment (ECE/MP.EIA/SEA/2014/2)

Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)

Yes

No

Please specify reasons for not using the Good Practice Recommendations:

(i) Lack of awareness about the document

(ii) The document is not relevant

(iii) The document is outdated and needs revision

Yes

No

Please specify reasons for not using the Manual:

(i) Lack of awareness about the document

(ii) The Manual is not relevant

(iii) The Manual is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Good Practice Recommendations:

Your comments and/or suggestions for improving or supplementing the Resource Manual:

The issues related to translation and public participation are explained very clearly and in these areas the Manual is very helpful. The part regarding monitoring could be more comprehensive.

E. Contributions to the funding of the workplans

II.14. 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 Convention and covered both the Convention and the Protocol:

- (i) Yes
(ii) No

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

II.15. Through paragraph 4 of decision VII/4–III/4 on budget, financial arrangements and financial assistance,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.” For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1⁵, 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.”

(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

Yes Amount and currency:

No Please explain the reason:

- (iii) Individual contribution in 2020:

Yes Amount and currency:

No Please explain the reason:

- (iv) Individual contribution in 2021:

Yes Amount and currency:

No Please explain the reason:

⁴ ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

⁵ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

(v) Please indicate any plans of your country to contribute for the period 2021–2023

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

Yes Please describe how:

No Please explain the reason

F. Suggested improvements to the report

II.16. Please provide suggestions for how this report could be improved:

The report should be technically refined. Editing a document is problematic. When filling it in, the individual points move. Also, it is not known whether all gray fields should be completed. For example, all fields to be completed should be framed.

Annex I

List and number of domestic strategic environmental assessment procedures initiated in the reporting period

<i>Sector</i>	<i>Total number or estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:					
Industry including mining:					
Transport:					
Regional development:					
Waste management:					
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):					

* The information provided constitutes:

Statistical data

Estimates

** Once the need for strategic environmental assessment is determined

Your comments:

Poland currently cannot provide a number of procedures per sector, however database is currently being modernized and will be improved in the future. Within the following period 2019-01-01 to 2021-12-31 there were conducted:

- total number of domestic SEAs – 1840 procedures
- number of local-level procedures – 1790 procedures
- number of national-level procedures – 50 procedures

Annex II**List and number of transboundary strategic environmental assessments in the reporting period**

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:	1	-	1	N/A	N/A
Industry including mining:					
Transport:					
Regional development:					
Waste management:					
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):	1	-	1	N/A	N/A

Annex III

Template for describing a good practice example of implementing a strategic environmental assessment at the national level or in a transboundary context

I. General information

1. Title of plan/programme

Programme of non-technical and retention actions as part of flood risk management in the regions water of the Little Vistula and the Upper Vistula (catchment above Krakow), taking into account the protection against flood of the city of Krakow (hereinafter referred to as the "Program")

This Program is a part of FLOOD PROTECTION PROJECT IN THE ODER AND VISTULA BASINS, Task 5.7.1.

2. Authority responsible for the plan's/programme's development

State Water Holding. Polish Waters. National Water Management Authority

3. Nature of the related strategic environmental assessment procedure:

(a) Domestic

(b) Transboundary

4. Please indicate which stage(s)/step(s) of the strategic environmental assessment procedure is/are considered to represent good practice:

The entire procedure

Screening (art. 5)

Scoping (art. 6)

Environmental report (art. 7)

Public participation (art. 8)

Consultation with environmental and health authorities (art. 9)

Transboundary consultations (art. 10)

Decision (art. 11)

Monitoring (art. 12)

5. Please indicate to which topic(s) of the 2021–2023 workplan the example is related:

Biodiversity

Circular economy

Development cooperation

Energy transition

Smart and sustainable cities

Sustainable infrastructure

II. Background

Please provide a short description of the plan/programme, the context of its development and general information about the strategic environmental assessment

The main objective of the Program is minimizing the flood risk in the project area by applying non-technical and retention measures, taking into account the prevention of the effects of drought in the region. In particular, the Program focuses on flood protection of the city of Krakow. The Program identifies the insufficient state of technical infrastructure (water facilities) that serves the flood protection, and then, using hydrological-hydraulic modeling, presents the results of

analyses conducted for various variants of flood protection improvement. The analyses took into account: (1) non-technical measures aimed at improving retention and reducing the likelihood of floods, i.e. afforestation and increasing forest retention or optimization of water management instructions in existing multi-purpose reservoirs, and (2) technical measures consisting of increasing the height of flood embankments in the area of Krakow (passive protection) and retention measures (active protection).

The SEA for the above-mentioned Program was carried out in compliance with all the requirements set out in the Polish EIA Act. Consultations with the relevant authorities allowed for the improvement of some elements of the environmental report so as to contribute to the preservation of biodiversity with high benefits for society at the same time.

III. Procedure under the protocol on strategic environmental assessment and elements of good practice

Please describe, in more detail, the procedural step/steps that is/are considered to represent good practice and then explain why that is:

III.1. Field of application (art. 4)

The Program was qualified to SEA pursuant to Art. 46 (1)(2) of the EIA Act, according to which the SEA procedures are required for programs in the field of water management, which may set the framework for future development consent of projects that may have a significant impact on the environment.

III. 2. Screening (art. 5)

Screening was carried out by the body developing the draft document.

III. 3. Scoping (art. 6)

The body developing the draft document asked the environmental authority (General Director for Environmental Protection) and health authority (Sanitary Inspection Authority) to agree the scope and level of detail of the information required in the environmental impact prognosis (the environmental report). Both competent authorities provided their statements within 30 days indicating the exact scope of the prognosis.

III.4. Environmental report (art. 7)

The prognosis (the environmental report) prepared in accordance with Art. 51 i 52 of the EIA Act presented all types of possible interactions that might result from the implementation of the document.

As a result of the conducted analyses, the outcomes of public consultations and the opinions issued by relevant authorities, some threats were identified in the context of the possibility of achieving the set environmental protection objectives, which entailed the need to modify the recommended variant and to define a new variant selected for implementation.

III.5. Public participation (art. 8)

The information on the commencement of public participation has been made public. Initially, 28 days were allocated for public participation. Then the period was extended to 33 days due to the high public interest (this is more than the minimum of 21 days stipulated in the EIA Act). Comments and conclusions to the Program along with the prognosis could be made: via the on-line form on the dedicated website (the link is now inactive), by sending information via e-mail, by phone, during a consultation meeting - webinar, chat. During the public consultations, 142 comments were submitted, often of a complex nature, addressing various issues related to the Program.

Apart from the above, in one of the planned polders, a press briefing was held, during which local media were informed about the works carried out under the Program and about the need to undertake investment activities in the area of the Small and Upper Vistula. Then there were meetings organised with the local governments of communes.

III.6. Consultation with environmental and health authorities (art. 9)

The environmental and health authority submitted their opinions to the Program along with the prognosis (environmental report) within the 30 days provided for by the law. The opinions included comments on the correctness of the prognosis preparation, the need to make certain corrections and supplements. For example, due to the opinion of the General Director for Environmental Protection, who presented his recommendation for dry flood protection reservoirs instead of the proposed multi-purpose ones, a decision was made to change the scope of activities by including one of the retention reservoirs as dry in the Program. Dry retention reservoirs will contribute to the same extent to the fulfillment of the basic

objective of the Program, which is to reduce the risk and risk of flooding. At the same time, changes in the natural environment resulting from the implementation of dry flood control reservoirs are incomparably smaller than in the case of the construction of multi-functional reservoirs. Multifunctional reservoirs contribute to negative effects such as: transformation of the watercourse bed, increased bottom erosion and dehydration of the valley below the dam of the reservoir as well as a change in the hydrological regime, in particular changes in the frequency, range and height of floodwater inundations, which in turn has a negative impact on valuable natural habitats present in river valleys (including riparian forest habitats), which depend on periodic floods. Moreover, the dam of such a reservoir will act as a barrier to fish migration. Therefore, consultation with the environmental authority will ensure less pressure on the natural environment and biodiversity.

III.7. Transboundary consultations (art. 10)

Analyses held in the prognosis (environmental report) showed that no cross-border impacts are expected. Hence, no transboundary consultations were needed.

III.8. Decision (art. 11)

The body that developed the Program attached to the adopted document a written summary containing information on how have been taken into account: the findings of the environmental report; the opinions of the competent authorities; the comments and conclusions submitted by public concerned. It also included the proposals on the methods and frequency of monitoring the effects of the implementation of the document. Adopted document along with the written summary were made public and submitted to the health and environmental authority.

III.9. Monitoring (art. 12)

The body that developed the Program planned to monitor the implementation of the Program. Among the monitoring activities carried out at the stage of implementation, the necessity to conduct construction works under the supervision in the areas of nature, archeology and conservation was indicated. At the stage of exploitation of the planned polders and reservoirs, it was indicated, inter alia, to register the surface floods, the state (the level and physicochemical parameters) of water in oxbow lakes, as well as to record the water level in the ground, in order to determine the impact on the condition of habitats dependent on waters. The effects of the implementation of the analyzed Program on the environment will also be monitored under the State Environmental Monitoring in accordance with the provided methodology. A detailed method of monitoring has been provided for the habitats protected under the Natura 2000 sites.

IV. Lessons learned and advice to other parties:

IV.1. Please indicate:

- (a) Challenges in carrying out the procedure, if any, and how those were tackled

Necessity to extend the duration of the SEA – the duration was extended.

Necessity to change and correct some parts of the Program – some assumptions were changed.

- (b) Lessons learned

The schedule should be properly planned so that it takes into account the time for unforeseen circumstances. For example, high public interest made it necessary to extend the consultation period.

It should be taken into account that the scope of intervention planned in the document may be opposed by the public or relevant authorities and will have to be modified.

IV.2. As relevant, please also refer to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals¹ or climate objectives.

Above-described application of SEA and environmental analyzes performed during this procedure may contribute to achieve some following Sustainable Development Goals like:

¹ 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.

9 - Industry, innovation and infrastructure; 13 - Climate action and 14 - Life below water.

7). Selected examples of targets of the Sustainable Development Goals 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);
- (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 informal document 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__SDG_Mapping.pdf.
