

## Załącznik I

*Act of 27 April 2001 – Environmental Protection Law (Journal of Laws of 2021, items 1973, 2127, 2269)*

**Article 91(9).** Pursuant to the provisions on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessments, the Voivodeship Board ensures the possibility of public participation in the procedure, the subject of which is the preparation of an air protection programme.

*Act of 30 August 2002 – Law on proceedings before administrative courts (Journal of Laws of 2022, items 329, 655)*

**Article 50 § 1.** A complaint may be lodged by anyone who has a legal interest in it, a prosecutor, the Commissioner for Human Rights, the Commissioner for Children and a social organisation within the scope of its statutory activity, in matters regarding the legal interests of other persons, if they participated in an administrative procedure.

*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, items 2373, 2389)*

**Article 3(1)** Whenever the Act refers to:

1) Public Information Bulletin – it is understood as the Public Information Bulletin referred to in the Act of 6 September 2001 on access to public information (Journal of Laws of 2020, item 2176 and of 2021, items 1598 and 1641);

2) information intended for public authorities – it is understood as information held by third parties on behalf of public authorities, including information that may be requested from third parties by public authorities;

3) information held by public authorities – it is understood as information held by public authorities, produced by public authorities or received by public authorities from a third party;

4) integrity of a Natura 2000 site – it is understood as the integrity of a Natura 2000 site within the meaning of the Act of 16 April 2004 on nature conservation (Journal of Laws of 2021, items 1098 and 1718);

5) (repealed)

6) Natura 2000 site – it is understood as the sites referred to in Article 25 of the Act of 16 April 2004 on nature conservation, and the proposed sites of European Community importance, included in the list referred to in Article 27(3)(1) of that Act;

7) impact assessment of a project on a Natura 2000 site – it is understood as an environmental impact assessment of a project, limited to the investigation of the impact of a project on a Natura 2000 site;

8) environmental impact assessment of a project – it is understood as a procedure regarding the environmental impact assessment of a planned project, including, in particular:

- a) verification of an environmental impact assessment report,
  - b) obtaining the opinions and arrangements required by law,
  - c) ensuring that public participation in the procedure is possible;
- 9) administrative body – it is understood as:
- a) ministers, central government administration bodies, voivodes, other local government administration bodies acting on their behalf or on their own behalf, bodies of local government units,
  - b) other entities implementing public tasks related to the environment and its protection,
  - c) Government Plenipotentiary for the Solidarity Transport Hub – to the extent specified in Article 5(8) of the Act of 10 May 2018 on the Solidarity Transport Hub;
- 10) ecological organisation – it is understood as a social organisation whose statutory objective is to protect the environment;
- 11) making information available to the public – it is understood as:
- a) providing the information on the website of the Public Information Bulletin, the authority competent in the case,
  - b) announcing the information, in the customary manner, at the seat of the authority competent in the case,
  - c) announcing the information by means of notice in the manner customary at the place of a planned project, and in the case of a draft document requiring public participation – in the press whose coverage is adequate to the type of the document,
  - d) where the seat of the authority competent in the case is located in a municipality other than a municipality territorially competent for the subject of the procedure – also by publishing in the press or in the manner customary in the place(s) competent for the subject of the procedure;
- 12) the surface of the earth – it is understood as the surface of the earth within the meaning of the Act of 27 April 2001 – Environmental Protection Law (Journal of Laws of 2020, item 1219, as amended2));
- 13) project – it is understood as a construction design or other interference in the environment consisting in converting or changing the use of a site, including the extraction of minerals; technologically linked projects are classified as a single project, also if they are implemented by different entities;
- 14) strategic environmental impact assessment – it is understood as a procedure regarding an environmental impact assessment of the implementation of a policy, strategy, plan or programme, including, in particular:
- a) agreeing on the level of detail of the information contained in an environmental impact forecast,
  - b) preparing an environmental impact forecast,
  - c) obtaining the opinions required by law,
  - d) ensuring that public participation in the procedure is possible;

15) environment – it is understood as the environment within the meaning of the Act of 27 April 2001 – Environmental Protection Law;

15a) public authorities – it is understood as: the Sejm, the Senate, the President of the Republic of Poland, administrative bodies, courts, tribunals and state control and law protection bodies;

16) pollution – it is understood as pollution within the meaning of the Act of 27 April 2001 – Environmental Protection Law;

17) significant negative impact on a Natura 2000 site – it is understood as the impact on the conservation objectives of a Natura 2000 site, including, in particular activities likely to:

a) deteriorate the condition of natural habitats or habitats of plant and animal species for the conservation of which a Natura 2000 site has been designated, or

b) adversely affect species for the conservation of which a Natura 2000 site has been designated, or

c) deteriorate the integrity of a Natura 2000 site or its links with other sites.

**Article 44(3).** An environmental organisation has the right to lodge an appeal to the administrative court against a decision issued in a procedure requiring public participation, if this is justified by the statutory objectives of this organisation, also if it has not participated in a specific procedure requiring public participation.

***Act of 13 April 2007 on the prevention and repair of environmental damage (Journal of Laws of 2020, item 2187)***

### **Article 3**

1. Activities posing a risk of environmental damage include:

1) within the scope of the Act of 13 September 1996 on maintaining cleanliness and order in municipalities (Journal of Laws of 2020, item 1439) – activities in the field of collecting municipal waste from property owners, requiring an entry in the register of regulated activities in the field of collecting municipal waste from property owners;

2) within the scope of the Act of 27 April 2001 – Environmental Protection Law (Journal of Laws of 2020, items 1219, 1378 and 1565) – operation of an installation requiring obtaining:

a) integrated permit,

b) permit for the introduction of gases or dusts into the air;

3) within the scope of the Act of 14 December 2012 on waste (Journal of Laws of 2020, items 797 and 875):

a) collection or treatment of waste requiring to obtain a permit,

b) activities requiring obtaining an entry in the register within the scope referred to in Article 50(1)(5)(a) and (b) of this Act;

4) within the scope of the Act of 20 July 2017 – Water Law (Journal of Laws of 2020, items 310, 284, 695, 782, 875 and 1378) – requiring obtaining a water law consent:

- a) introduction of wastewater into waters or into the ground,
- b) intake and discharge of surface waters or groundwater,
- c) retention of inland surface waters;
- 5) within the scope of the Act of 22 June 2001 on microorganisms and genetically modified organisms (Journal of Laws of 2019, item 706 and of 2020, item 322):
  - a) contained use of genetically modified micro-organisms,
  - b) contained use of genetically modified organisms,
  - c) deliberate release of genetically modified organisms into the environment,
  - d) placing on the market;
- 6) within the scope of Council Regulation No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ EC L 30, 6.2.1993, p. 1; OJ EU Polish Special Edition, chap. 15, vol. 2, p. 176) – international trade in waste;
- 7) within the scope of the Act of 10 July 2008 on mining waste (Journal of Laws of 2020, item 2018) – mining waste management based on a decision approving the mining waste management programme;
- 8) within the scope of the Act of 9 June 2011 – Geological and Mining Law (Journal of Laws of 2020, items 1064 and 1339) – underground storage of carbon dioxide and activities consisting in the prospecting, exploration or extraction of hydrocarbons from deposits within the maritime areas of the Republic of Poland.

2. Activities posing a risk of environmental damage also include:

1. production, use, storage, processing, release into the environment and transport of:

- a) hazardous substances and hazardous mixtures within the meaning of the legislation on chemical substances and mixtures thereof,
- b) plant protection products within the meaning of the Act of 8 March 2013 on plant protection products (Journal of Laws of 2019, item 1900 and of 2020, items 284 and 425),
- c) biocidal products;

2) transport of:

- a) dangerous goods within the meaning of the Act of 19 August 2011 on the transport of dangerous goods (Journal of Laws of 2020, items 154 and 875),
- b) (repealed)
- c) hazardous materials within the meaning of the Act of 18 August 2011 on maritime safety (Journal of Laws of 2020, item 680).
- d) (repealed)

**Article 24(1).** The environmental protection authority is obliged to accept from anyone a report on the occurrence of an imminent threat of environmental damage or environmental damage.

*Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997 No. 78, item 483, of 2001 No. 28, item 319, of 2006 No. 200, item 1471, of 2009, No. 114, item 946)*

**Article 63.** Everyone shall have the right to submit petitions, proposals and complaints in the public interest, in their own interest or in the interests of another person – with their consent – to public authorities, as well as to organisations and social institutions in connection with the performance of their prescribed duties within the field of public administration. The procedure for considering petitions, proposals and complaints shall be specified by statute.