

19 February 2024

Mr. Jaroslaw Mielnik
Ministry of Climate
Warsaw, Poland

Ms. Magdalena Bar
Jendroska Jerzmanski Bar & Partners
Wrocław, Poland

Dear Mr. Mielnik,
Dear Ms. Bar,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Poland with respect to public participation during the preparation of hunting plans and access to justice regarding various plans relating to the environment (ACCC/C/2018/158)

Following the hearing at the Compliance Committee's seventy-fifth meeting (Geneva, 14-17 June 2022) and its review of the parties' written submissions, the Compliance Committee has identified a number of questions upon which it seeks further clarification from the Party concerned and the communicant. To this end, please find **enclosed** the questions prepared by the Committee for your attention.

In accordance with the Committee's usual timeframe, the Party concerned and the communicant will have four weeks to prepare their written replies to the Committee's questions. The Committee would accordingly be grateful to receive your replies to the enclosed questions on or before **18 March 2024**. Thereafter, please send any comments you may have on the other party's replies within two weeks of their receipt (i.e. by 1 April 2024, if the replies are received on 18 March 2024). Please send your replies to aarhus.compliance@un.org, copying the other party

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

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Republic of Poland to the United Nations

Enc: Questions from the Committee to the Party concerned and communicant

Questions to the Party concerned:

1. With reference to the Committee's questions of 13 May 2022 and the Party concerned's reply of 15 June 2022, please confirm whether you accept that the plans listed in question 2, subparagraphs a, b, d, e, g, h, k, o, r and s, are each "acts...by public authorities" within the scope of article 9 (3) of the Convention.
2. Please clarify on what legal basis you consider that plans relating to the environment of an "internal nature" adopted by a public authority fall outside the scope of article 9 (3) of the Convention. Do you consider that such acts are not "acts...by public authorities" within the meaning of article 9 (3), and if so, on what basis?
3. Please clarify on what legal basis you consider that plans relating to the environment adopted by the competent minister fall outside the scope of article 9 (3) of the Convention.
4. Please clarify on what legal basis you consider that plans relating to the environment adopted by a resolution of the Voivodship or Municipality fall outside the scope of article 9 (3) of the Convention.

Questions to the communicant:

5. Please clarify what, if any, barriers exist for individuals or non-governmental organizations (NGOs) to have access to justice to challenge plans contained in regulations before the Constitutional Court. Please explain why, in your view, these barriers do not meet the requirements of article 9 (3) of the Convention.¹
6. Please provide your comments on the Party concerned's position that each of the following plans are acts of generally applicable law, falling within article 8 of the Convention, and are not acts by public authorities under article 9 (3) of the Convention:²
 - (a) Noise management action plans;
 - (b) River basin management plans;
 - (c) Flood risk management plans;
 - (d) Drought management plans;
 - (e) Natura 2000 area protection plans;
 - (f) National park protection plans.

¹ Communicant's Opening Statement, slide 7.

² Party's reply to Committee's questions, 15 June 2022, p. 6.