POLAND


PART I

GENERAL PROVISIONS

1. (1) This Act governs the protection of waters against pollution.

(2) Water pollution, within the meaning of this Act, shall mean changes in the physical, chemical or biological characteristics of water due to the introduction of excessive quantities of solid, liquid or gaseous substances, energy (*energii*), radioactive materials or other matter, resulting in rendering the said waters unfit for normal use for domestic, industrial, agricultural, fishing or other purposes.

(3) The provisions of this Act shall further apply to any pollution of the soil or the atmosphere likely to bring about water pollution as defined in paragraph 2.

2. For the purposes of this Act:

1) “establishments” shall be taken to include any enterprise, office, institution or other establishment where work is carried on;

2) “wastes” shall be taken to mean substances or *energii* capable of polluting waters (see Article 1).
3. (1) Protection against pollution shall be exercised with respect to surface and underground inland waters as well as to interior and territorial maritime waters and the organisms living therein.

   (2) The purpose of protection against pollution shall be to maintain or to reestablish the suitability of water for use.

4. (1) In respect of any confluent or of such places as may be defined by the Chairman of the Central Water Office, there shall be prepared water pollution prevention directives to specify the physical, chemical and biological indices characterizing the required degree of water purity.

   (2) The Chairman of the Central Water Office, jointly with the Chairman of the Planning Commission of the Council of Ministers, shall lay down the detailed scope of and the principles, methods and modalities for the preparation and approval of water pollution prevention directives (see paragraph (1)).

5. (1) The President of the Council of Ministers shall by Order lay down directives governing the permitted quantities, state and composition of polluting substances as well as the quantities of energii the presence of which in water does not compromise the possibility of normal use thereof, and basic principles for the establishment of conditions to be met by wastes discharged into the water.

   (2) The Council of Ministers may by Order prohibit the discharge of any polluting substances into certain waters.

6. Waters flowing out of the national boundaries and watercourses forming national boundaries shall be subject to special pollution prevention measures, in view of obligations arising out of international agreements.

7. (1) Establishments and physical persons who, without using municipal sewage installations, discharge into waters wastes capable of polluting the same as defined in Article I shall be required to build and to operate installations for protecting such waters against pollution. Conditions for the discharge of wastes into municipal sewage installations shall be regulated by special provisions.

   (2) The construction, enlargement or modification of devices on board sea-going ships for the protection of waters against pollution shall be governed by special provisions.

8. (1) Pollution of waters shall give rise to the obligation to compensate for any damage resulting therefrom, in addition to penal responsibility.

   (2) If pollution is brought about by several establishments or physical persons, they shall be jointly responsible.
PART II

CONSTRUCTION, ENLARGEMENT OR MODIFICATION OF ESTABLISHMENTS DISCHARGING WASTES

9. The basis and preliminary plans for the construction of any establishment discharging wastes shall, prior to approval, be drawn up in agreement with the Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region), in respect of requirements for the use, purification, neutralization and discharge of wastes. The same obligation for agreement shall apply to the basis and plans for enlargement or modification of any establishment discharging wastes if the said enlargement or modification is capable of having an effect upon water pollution.

10. (1) Documents concerning plans and estimates for installations for the use, purification, neutralization and discharge of wastes shall be drawn up within the framework of directives concerning the construction, enlargement or modification of the establishment.

(2) The President of the Council of Ministers, on the proposal of the Chairman of the Central Water Office, shall by Order define the categories of establishments which may submit simplified documentation, as well as the principles and modalities for the preparation thereof.

11. (1) The Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region) may lay down that prior to the placing in operation of an establishment required to construct and operate water pollution prevention installations (Article 7), the efficiency of such installations be verified. When such a requirement is imposed, the establishment shall, 14 days prior to the date of verification, report such data to the agency having imposed the said requirement.

(2) Differences of opinion between the Central Water Office and the competent Minister (the Central Cooperative Organization) as to whether an establishment may be operated (see paragraph (1)) shall be decided by the President of the Council of Ministers.

PART III

AUTHORIZEDS

12. (1) Authorizations shall be required for the construction, enlargement or modification of water pollution prevention installations, and for the discharging of wastes in greater quantities than are authorized by provisions governing general water use. Authorizations shall be delivered by
the Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region) in accordance with procedures applicable to water use authorizations.

(2) The authorization referred to in paragraph (1) shall further be required for the deposit of substances capable of polluting waters on river banks, or on strips of land near river banks, inland surface waters or interior or territorial maritime waters.

(3) The President of the Council of Ministers may, on the proposal of the Chairman of the Central Water Office, define by Order the categories of establishments not required to obtain the authorization referred to in paragraph (1).

(4) The Chairman of the Central Water Office shall define the principles for the demarcation of strips of land lying near river banks. In case of strips of land lying near maritime waters, such principles shall be established jointly with the Minister of Navigation.

13. (1) Authorizations shall be in conformity with the approved directives concerning water pollution (Article 4).

(2) The Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region) shall refuse to issue an authorization if the discharge of wastes is contrary to approved water pollution prevention directives, or if the plans and estimates concerning waste purification or other installations are not such as to ensure proper protection of water against pollution.

14. (1) Authorization shall be obtained prior to commencing the construction, enlargement or modification of the establishments discharging wastes. In granting authorizations, account shall be taken of agreements reached (Article 9).

(2) Prior to the issuance of the said authorization, no approval which may be required by special provisions shall be granted to any establishment capable of polluting waters in respect of the exercise of its operation.

15. If the establishment or physical person requesting an authorization to discharge wastes has at the same time the intention to withdraw waters in a manner requiring a water use authorization in accordance with the provisions of the Waters Act, the Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region) shall investigate both request simultaneously and issue a single authorization.

16. (1) Authorizations shall be issued for a fixed or unlimited period. Authorizations issued for a fixed period may be renewed.
(2) Authorizations shall prescribe the quantity, state and composition of wastes, to be discharged and, in case of construction, enlargement or modification of a water pollution prevention installation, shall describe the said installation. Authorizations may indicate conditions under which they have been issued and may in particular reserve the right of the Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region) to require, if necessary, the construction, enlargement or modification of waste purification or other water pollution prevention installations.

17. (1) Authorizations may be withdrawn without indemnity if:

1) the establishment pollutes waters through failure to observe conditions laid down in the authorization in respect of the quantity, state or composition of the wastes discharged,

2) discharges endanger normal planned water use as a result of circumstances not foreseen at the time of issuance of the authorization or unavoidable at a later date.

(2) The Council of Ministers shall define cases in which withdrawal of authorization required by the general interest may give rise to the payment of an indemnity, as well as the principles and modalities for determination thereof.

PART IV

AGREEMENTS CONCERNING JOINT WATER PROTECTION PROJECTS

18. (1) The establishments referred to in Article 7 may enter into agreements for the joint protection of waters against pollution or for the use of substances contained in wastes.

(2) The provisions of the Waters Act shall apply mutatis mutandis to agreements entered into for the purposes referred to in paragraph (1).

PART V

CONTROL

19. (1) The Water Boards of the Presidential Committees of People's Councils shall exercise control over the construction, enlargement or modification, as well as over the condition, operation and use of water pollution prevention installations and shall ensure compliance with the other requirements laid down in the authorization.
(2) The management of the establishment in which control takes place shall be required to furnish to the bodies referred to in paragraph (1) detailed information concerning water use and waste disposal installations and to make available to them other information concerning such use and disposal.

(3) Control of the construction, enlargement and modification of water pollution prevention installations on board sea-going ships, as well as that of the condition, operation and utilization of such installations, shall be carried out by the Maritime Bureau.

(4) The Council of Ministers shall by Order define the scope and modalities of exercise of control and the powers of the persons responsible therefor.

PART VI

PENAL PROVISIONS

20. (1) Any person polluting waters as defined in Article 1 or damaging water pollution prevention installations shall be punishable by imprisonment for a period not exceeding two years and by a fine not exceeding 100,000 złoty, or by detention for a period not exceeding two years and by a fine not exceeding 50,000 złoty.

(2) The same penalties shall be imposed upon any person who, in violation of a requirement placed upon him, fails to operate water pollution prevention installations or allows damage thereto or the pollution of waters.

(3) If the offender has not acted with malice aforethought, he shall be punishable by detention for a period not exceeding one year or by a fine not exceeding 30,000 złoty.

21. Any person who:

1) in violation of the provisions of Article 11, places in operation an establishment prior to verification of the proper functioning of the water pollution prevention installation,

2) lacking the authorization required by Article 12, constructs, enlarges or modifies water pollution prevention installations or discharges wastes into waters or the soil,

3) violates conditions laid down in the authorization,

4) in violation of the provisions of Article 28, paragraph 2, modifies the establishment's production processes in a manner likely to bring about a permanent increase in water pollution, without
having reached agreement with the Water Board of the Presidential Committee of the People's Council,

shall be punished by detention for a period not exceeding three months or by a fine not exceeding 4,500 zloty.

22. The managers of establishments or the persons responsible for water installations therein shall be responsible for the acts referred to in Articles 20 and 21.

23. In the cases referred to in Article 21, the sentences shall be handed down in accordance with the procedure established in legislation governing administrative penal procedures. The administrative penal courts, in the cases referred to in the said Article, shall also impose the penalties of detention.

24. (1) Apart from the penalties provided for in Articles 20 and 21, the Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region) shall impose upon the establishment a fine for water pollution; the amount of the said fine shall depend upon the quantity, condition and composition of the wastes.

(2) The fines referred to in paragraph (1) may be imposed for:

1) discharge of wastes into waters or the soil without the authorization required by Article 12 of this Act,

2) the placing in use of waste purification or other water pollution prevention installations, the performance of which does not meet the technical requirements of the plan.

(3) Fines may be imposed for:

1) failure by the establishment to construct, enlarge or modify water pollution prevention installations within the time limit prescribed,

2) failure to modify manufacturing processes as required by the authorization in order to reduce water consumption and the quantity of impurities discharged into wastes as a result of production (Article 16),

3) modification of the establishment's production processes resulting in a permanent increase in water pollution, carried out without the agreement of the Water Board of the Presidential Committee of the Regional People's Council (or Regional Council of a Municipality not included in a Region) (Article 28).

(4) Fines shall be chargeable to the receipts of the establishment.
(5) The Council of Ministers shall by Order establish the principles governing the amount of fines and the method of collection thereof.

25. (1) The Water Board of the Presidential Committee of the Regional People's Council (or Regional Council of a Municipality not included in a Region) may apply, within the field of water pollution prevention, the measures provided for by legislation governing administrative injunction procedures.

(2) In each case of breach of an injunction the fine imposed shall not exceed 300 złoty in case of a physical person or 3,000 złoty in case of an establishment.

PART VII

TEMPORARY AND FINAL PROVISIONS

26. (1) Water use authorizations issued prior to the date of entry into force of this Act shall continue to be valid within the limits of their applicability, provided that they are in accordance with water pollution prevention directives.

(2) The Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region) shall be empowered to decide whether any authorization is in conformity with water pollution prevention directives.

27. Pending the preparation and approval of water pollution prevention directives, temporary authorizations may be granted on the basis of the respective regional plans or of the Directives issued in connection therewith.

28. (1) Establishments discharging wastes into water or the soil without authorization shall be required, within three months from the entry into force of this Act, to inform thereof the Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region).

(2) Pending issuance of the authorization, modifications of the production processes of such establishments shall be subject to agreement with the Water Board of the Presidential Committee of the Regional People's Council (or People's Council of a Municipality not included in a Region), if such modifications are capable of bringing about a permanent increase in pollution.

29. (1) In respect of establishments existing at the time of entry into force of this Act, but not having the water pollution prevention installations
required by the provisions hereof or having installations which are insufficient, the Council of Ministers shall progressively introduce the obligation for such establishments to provide themselves with the installations required. In particular, the Council of Ministers, on the proposal of the Chairman of the Central Water Office jointly with the Minister concerned and the Chairman of the Planning Commission of the Council of Ministers, shall establish lists enumerating the establishments affected by the said requirement, the types of installations with which the said establishments must be provided, and time limits for the construction thereof.

(2) State and collectivized establishments existing at the time of entry into force of this Act and having water pollution prevention installations, but not provided with an authorization, shall be required to obtain such authorization within two years of the date of entry into force of this Act.

30. The costs of operations undertaken in compliance with this Act shall be borne by the establishments concerned.

31. The following provisions are hereby abrogated:

1) the provisions of the Waters Act of 19 September 1922, Dz. U. No. 62 of 1928, text 574, as amended, concerning the protection of waters against pollution,

2) Article 64 and Article 84, paragraph 6, of the Act of 7 March 1932, concerning fishing, Dz. U. No. 35, text 357.

3) Article 7, paragraph 2, of the Act of 22 April 1959, concerning the maintenance of order and sanitation in cities and villages, Dz. U. No. 27, text 167.

32. (1) Article 7, paragraph 3, of the Act of 22 April 1959 concerning the maintenance of order and sanitation in cities and villages, Dz. U. No. 27, text 167, shall be amended to read as follows:

"3. Industrial establishments and other establishments discharging wastes into municipal sewage systems shall be required to establish and to maintain in suitable condition waste purification installations and other installations for the protection of waters and of the said sewage systems against the harmful action of such wastes, in conformity with the provisions of paragraph (1)."

(2) In Article 74, paragraph 2, of the Act of 7 March 1932 concerning fishing, Dz. U. No. 35, text 357, the words "water impurities and" shall be deleted.

33. Pending promulgation of regulations for the application of this Act, existing provisions shall remain in force.

34. This Act shall enter into force on the date of publication.