

**The Act
of 9 November 2000
on Access to Information on the Environment and Its Protection and on Environmental
Impact Assessments**

**Chapter 1
General provisions**

Article 1

This Act shall lay down the principles of:

- 1) the provision of information on the environment and its protection,
- 2) public participation in procedures relating to environmental protection,
- 3) the environmental impact assessment procedure.

Article 2

For the purposes of this Act:

- 1) "pollution" shall mean the direct or indirect introduction as a result of human activity of the following factors into the air, water or land:
 - a) substances,
 - b) energies, such as heat, noise, vibration or electromagnetic fields, which have harmful effects on human health or the quality of the environment, result in damage to material property or cultural heritage, impair aesthetic values of the environment or interfere with other legitimate uses of the environment;
- 2) "effects on the environment" shall mean effects on both the environment and human health;
- 3) "project" shall mean the execution of construction works or other interventions in the environment, consisting in the transformation, or change in the use, of land, including those involving the extraction of natural resources, which require the development consent referred to Article 25 paragraph 3.

Article 3

The provisions of this Act which impose the obligation to obtain approval and opinion shall not apply where the authority which carries out the assessment of environmental effects is at the same time the authority whose approval or opinion should be obtained.

**Chapter 2
Access to information**

Article 4

Every person shall have the right to obtain information on the environment and its protection on the conditions laid down in this Act.

Article 5

1. Public administration authorities shall be obliged to make available to all persons information which they hold on the environment and its protection.
2. Under paragraph 1, the following information shall be made available:

- 1) applications for the granting of the decisions referred to in subparagraph 2 (a-d); subparagraph 3 (a, b); subparagraph 4; subparagraph 5 (a, b) and subparagraph 8;
- 2) within the scope of laws relating to the protection and management of the environment:
 - a) decisions which set out the types and amounts of pollutants authorised to be emitted into the air,
 - b) decisions which set out the maximum permissible noise levels in the environment,
 - c) authorisations to remove trees or shrubs,
 - d) authorisations for deliberate releases of genetically modified organisms into the environment for experimental purposes or the placing on the market of products which contain genetically modified organisms or which consist of such organisms or their parts,
 - e) records of types and amounts of pollutants emitted into the air,
 - f) decisions which set out the amounts, postpone the due payment dates, or provide for the payment in instalments, of fines for violations of the requirements of environmental protection, consisting in:
 - excess releases in terms of type or amount of substances authorised to be emitted into the air as defined by a decision of the competent authority,
 - emissions in excess of the limit noise levels as defined by a decision of the competent authority,
 - g) decisions which set out the amounts of fines for violations of the requirements of environmental protection, consisting in:
 - the destruction of areas of greenery or trees and shrubs caused by incorrect execution of earthworks or the use of mechanical or technical equipment, and the application of chemical agents in a manner which is harmful to the vegetation,
 - the removal of trees and shrubs without the required authorisation;
- 3) within the scope of laws relating to waste:
 - a) authorisations to generate waste,
 - b) authorisations to collect, use or dispose of hazardous waste,
 - c) documentation prepared for waste inventory purposes,
 - d) decisions which set out the amounts, postpone the payment date, or provide for the payment in instalments, of fines for waste storage in places not intended for this purpose or for failing to meet the requirements set by development consent to the construction of a waste landfill;
- 4) within the scope of laws relating to maintaining of order and sanitation in communities - authorisations for activities consisting of the collection, use or disposal of municipal waste;
- 5) within the scope of provisions of the Water Law:
 - a) permits for water abstraction
 - b) permits for waste water discharges to water or land,
 - c) records of the amounts of water abstracted as well as the amounts, types and average composition of waste water discharged to water or land,
 - d) decisions which set out the amounts, postpone the due payment date, or provide for the payment in instalments, of fines for waste water discharges to water or land which fail to meet the requirements set out for them,
 - e) decisions to impose fines for water abstraction in amounts in excess of those defined in the relevant permit and for damming waters at levels in excess of those set out in the permit;
- 6) draft policies, strategies, plans or programmes referred to in Article 19 paragraph 1, before they are subjected to the procedure referred to in Articles 12-17 and before an opinion is obtained from the authority referred to in Article 24;
- 7) policies, strategies, plans or programmes referred to in Article 19 paragraph 1;
- 8) decisions referred to in Article 25 paragraph 3;
- 9) interim decisions referred to in Article 30 paragraph 2;

- 10) the indications of locations referred to in Article 25 paragraph 4;
 - 11) the environmental impact reports;
 - 12) follow-up analyses;
 - 13) geological survey documentation for liquidated mining facilities;
 - 14) the results of environmental research and studies.
3. Information made available under paragraph 1 shall also include any other information in the form of documents and data held in particular in written, visual, aural form, and data bases stored on other carriers, regarding:
- 1) the state of the natural elements of the environment and their interactions,
 - 2) pollutants released into the environment, and activities and measures which are likely to have or may have adverse effects on the environment,
 - 3) the effect of the state of the environment on human health, the quality of life and the cultural heritage,
 - 4) activities and measures, including administrative and economic ones, designed to protect the environment,
 - 5) plans, programmes and financial analyses related to the taking of decisions which are significant for environmental protection,
 - 6) safety reports and emergency response plans referred to in the laws concerning the protection and management of the environment.
4. The information referred to in paragraphs 2 and 3 shall be made available upon written request, subject to paragraph 5.
5. Information which does not need to be retrieved and can be provided in oral form shall be made available without a written request.
6. The public administration authorities responsible for matters referred to in paragraph 2 shall be obliged to keep publicly accessible records of data concerning these documents and may include in these records data on the documents referred to in paragraph 3.
7. Publicly accessible records of the documents referred to in paragraph 2 subparagraphs 11) and 12) shall be also kept by public administration authorities which are responsible for carrying out procedures within the framework whereof or as a result whereof such documents are prepared.
8. The minister who is responsible for the environment shall define, by way of regulation, the format of publicly accessible records, specifying, in particular, the titles of documents held therein, the places and dates of their issue, the places where they are kept and the reservations concerning access to information.

Article 6

The information referred to in Article 5 shall not be made available if making it available may violate the laws on the protection of confidential information, or personal data in the meaning of the Act on Public Statistics of 29 June 1995 (Official Journal No. 88, Item 439; 1996, No. 156, Item 775; 1997, No. 88, Item 554, No. 121, Item 769; 1998, No. 99, Item 632, No. 106, Item 668), or where such information affects:

- 1) matters which are sub judice, or subject to criminal or disciplinary enquiry, if the disclosure of such information could disturb the course of the proceedings;
- 2) matters which are covered by copyrights and patent rights if making the files available may violate these rights;
- 3) documents or data supplied by a third party where the party has been under no legal obligation to do so and has made the reservation that they should not be made available;
- 4) documents or data the disclosure of which would make it more likely that the environment to which they relate would be damaged.

Article 7

1. The public administration authority shall be obliged to make information available without undue delay, and at the latest within one month after the request has been submitted, subject to paragraph 2.
2. The period referred to in paragraph 1 may be extended up to two months where justified by the complexity of the information; in such case the provisions of Article 36 of the Administrative Procedure Code shall apply, respectively.
3. Documents data on which are held in publicly accessible records shall be made available on the day when a request for their disclosure has been made.
4. By way of decision, the public administration authority may:
 - 1) upon a justified request from the provider of the information referred to in Article 5 paragraphs 2 and 3, exempt from the disclosure the data of commercial value, especially technological data, if making it available could worsen the provider's competitive position;
 - 2) refuse to disclose information where it would require the provision of documents or data in the course of completion or intended for internal communications, or where the request for the disclosure of information is manifestly impossible to meet or formulated in too general a manner, or in case of other reasons for refusal envisaged in this law.
5. The provisions of paragraph 4 shall not apply if the information concerns:
 - 1) the amounts and types of pollutants emitted into the air and the place where they are emitted,
 - 2) the quality, composition and amounts of waste water discharged to water or land and the place where it is discharged,
 - 3) the types and amounts of waste generated and the place where it is generated,
 - 4) the levels of noise emitted,
 - 5) the levels of electromagnetic fields emitted.
6. Where a request for information has been refused paragraphs 1 and 2 shall apply, respectively.

Article 8

Where it is possible to separate out a piece of information exempted from disclosure for the reasons referred to in Articles 6 and 7, the public administration authority shall make available the remainder of the information.

Article 9

In making available information provided by a third party, the public administration authority shall identify its origin.

Article 10

1. No charge shall be made for retrieving and examining, on the premises of the public administration authority, of the documents enumerated in publicly accessible records.
2. The public administration authority shall make a charge, in the amount corresponding to the related justified costs, for retrieving information, making copies of documents or data and their forwarding.
3. The minister who is responsible for the environment, by way of regulation issued in agreement with the minister who is responsible for public finance, shall define: the rates of the charges and coefficients to differentiate the rates of charges for retrieving information, making copies of documents or data and their forwarding, ensuring that such charges should not impede access to information, and shall define also the manner of paying such charges.

Article 11

The provisions of Articles 5 to 10 shall apply respectively to making available of information on the environment and its protection by other entities which, by virtue of the law or under agreements concluded, are responsible for performing public duties in relation to the environment and its protection.

Chapter 3

Public participation in procedures relating to environmental protection

Article 12

All persons shall have the right to submit comments and recommendations in the course of procedures to adopt the documents referred to in Article 19 or to make the decisions referred to in Article 25.

Article 13

1. Before the public administration authority responsible for making decisions requiring public participation makes such a decision, as it commences the procedure the authority:
 - 1) shall notify the public that an application for the granting of the decision has been placed in a publicly accessible record and that comments and recommendations can be submitted within 21 days of the date of notifying the public, at the same time, indicating where such comments and recommendations can be submitted;
 - 2) may conduct an administrative hearing open to the public,
 - 3) shall consider the comments and recommendations submitted.
2. The public administration authority responsible for making a decision requiring public participation shall notify the public that the decision has been placed in a publicly accessible record, following the procedure specified in this Chapter.
3. The notification of the public, referred to paragraph 1 subparagraph 1), and paragraph 2, shall be provided by placing the information on the notice board at the seat of the authority which is responsible for the matter and bill-posting in the vicinity of the proposed project; and where the seat of the responsible authority is located in a community other than the community which is relevant in terms of location given the subject of the notification, also by a publication in the local press or in a manner commonly used in the locality or localities which are relevant given the subject of the notification.
4. The notification of the public, referred to paragraph 1 subparagraph 1), and paragraph 2, shall be provided also by placing the information on the www homepage of the authority responsible for making the decision if the authority has such a homepage.

Article 14

1. Non-governmental organisations which, referring to the place and subject of the statutory objectives of their activities, inform of their wish to take part in a specific procedure which requires public participation shall take part therein with the rights of a party. The provision of Article 31, § 4 of the Administrative Procedure Code shall not apply.
2. A non-governmental organisation can file a complaint against a refusal to let it take part in the procedure.

Article 15

1. The public administration authority responsible for preparing the documents referred to in Article 19 shall ensure the public participation before they are adopted; the provisions of Article 13 paragraph 1 subparagraphs 1) and 3), and paragraph 2 shall apply respectively.
2. Information on comments and recommendations submitted and on the way in which they

have been taken into account shall be enclosed with the documents referred to in paragraph 1.

Article 16

The provisions of Article 6 and Article 7 paragraphs 4 and 5 shall apply, respectively, to the procedures which require public participation.

Article 17

The provisions of the Administrative Procedure Code concerning complaints and requests shall not apply to comments and recommendations submitted in the course of procedures involving public participation.

Article 18

The provisions of Articles 12-17 shall not apply where a project is undertaken in areas or at built structures, or their parts, which are indispensable for the purposes of national defence or security, and which are managed by organisational units subordinated to the Minister of National Defence or the ministers responsible for internal affairs and foreign affairs, and are accessible only to authorised persons.

Chapter 4

The environmental impact assessment procedure relating to the implementation of plans and programmes

Article 19

1. Carrying out the environmental impact assessment procedure pursuant to the provisions of this Chapter, subject to paragraph 3, shall be mandatory for:

- 1) the draft concept of the national land-use policy, draft land-use plans and draft regional development strategies,
- 2) draft policies, strategies, plans or programmes in the fields of industry, energy, transport, telecommunications, water management, waste management, forestry, agriculture, fisheries, tourism and land use, where their preparation by the national or voivodship public administration authorities is provided for by law.

2. It shall also be mandatory to carry out the environmental impact assessment procedure pursuant to the provisions of this Chapter, subject to paragraph 3, where the documents referred to in paragraph 1 are modified after their adoption,

3. The public administration authorities which prepare the draft documents referred to in paragraph 1 subparagraph 2) or revise these documents may decide, in agreement with the relevant authorities referred to in Article 24, not to carry out the environmental impact assessment procedure as defined in this Chapter if they determine – taking into account in particular the characteristics of the activities envisaged in these documents and the nature and magnitude of the impact on the environment, as well as the characteristics of the area likely to be affected - that the implementation of the provisions of these documents would not have a significant impact on the

Article 20

1. The public administration authority which prepares the draft document referred to in Article 19 paragraph 1 or modifies it after its adoption shall make an environmental impact prognosis.

2. The environmental impact prognosis referred to in paragraph 1 should:

- 1) contain information on the content, the main objectives of the document drafted and its linkages with other documents,
 - 2) identify, analyse and assess the current state of the environment and the likely evolution of this state should the provisions of the document drafted not be implemented,
 - 3) identify, analyse and assess the state of the environment in areas likely to be significantly affected,
 - 4) identify, analyse and assess the existing environmental problems which are relevant to the document drafted, in particular those relating to protected areas,
 - 5) identify, analyse and assess the environmental protection objectives established at international or national levels which are relevant to the document drafted and the ways in which these objectives and other environmental considerations have been taken into account during preparation of the document,
 - 6) identify, analyse and assess the likely significant effects on the environment,
 - 7) identify, analyse and assess measures to prevent, reduce or offset any adverse impacts on the environment which may result from the implementation of the provisions of the document drafted,
 - 8) present options alternative to those contained in the document drafted, along with a justification for their choice and a description of the methods applied for the assessment resulting in this choice, including an indication of difficulties encountered as a result of inadequate techniques or gaps in current knowledge,
 - 9) contain information on the methods applied while making the environmental impact prognosis,
 - 10) contain information on the methods envisaged for monitoring the implementation of the document drafted,
 - 11) contain information on the likely transboundary impact on the environment,
 - 12) contain a summary in a non-technical language.
3. The minister who is responsible for the environment, in agreement with the minister responsible for health and the minister responsible for land-use and housing, following the requirements referred to in paragraph 2, shall define by way of a regulation the detailed conditions which should be met by the environmental impact prognosis related to draft local land-use plans.

Article 21

1. The public administration authority which prepares the draft document, or modifies the already adopted document, referred to in Article 19 paragraph 1, shall obtain approval of the authority referred to in Article 24 as to the scope and level of detail of information which must be included in the environmental impact prognosis.
2. The requirement referred to in paragraph 1 shall not apply to the environmental impact prognosis related to draft local land-use plans.

Article 22

1. The public administration authority which prepares the draft document or modifies the already adopted document, referred to in Article 19 paragraph 1, shall make it, along with the environmental impact prognosis, subject to the procedure referred to in Articles 12-17 and shall obtain an opinion of the authority referred to in Article 24.
2. The rules of submitting comments and recommendations concerning draft local land-use plans shall be defined by laws relating to land-use.

Article 23

The public administration authority which prepares the draft document or modifies the already adopted document, referred to in Article 19 paragraph 1, shall take into account the findings of the environmental impact prognosis, the opinion of the authority referred to in Article 24 as well as the comments and recommendations submitted in the procedure referred to in Articles 12-17.

Article 24

The public administration authority competent for approving the scope and level of detail of information required for the environmental impact prognosis and for expressing its opinion on the draft documents or modifications of already adopted documents, referred to in Article 19 paragraph 1 shall be:

- 1) the minister who is responsible for the environment and the Chief Sanitary Inspector - if the environmental impact assessment procedure is carried out by a central government administration authority;
- 2) the voivode - if the environmental impact assessment procedure is carried out by the voivodship public administration authority.

Chapter 5

The environmental impact assessment procedure for proposed projects

Article 25

1. Granting a decision whether to permit a proposed project which may have significant impact on the environment shall require, subject to paragraph 5, an environmental impact assessment procedure to be carried out.
2. The environmental impact assessment procedure shall be part of the procedure leading to the granting of decisions referred to in paragraph 3, and shall require the participation of the authority referred to in Article 37.
3. The decisions referred to in paragraph 1 shall include:
 - 1) a decision on the conditions for development and land use - granted pursuant to laws relating to land-use;
 - 2) a decision on building consent for the construction or demolition of a built structure as well as a decision consenting to a change in the use of a built structure or a part of it - granted pursuant to the provisions of the Building Law;
 - 3) a concession for exploration of, or prospecting for, mineral deposits, for extraction of minerals from their deposits, for open storage of substances in the rock mass and the storage of waste in underground mine headings, for exploration and extraction of mineral raw materials to be found in waste generated by mining works and mineral enrichment processes - granted pursuant to the provisions of the Geological and Mining Law;
 - 4) a permit for :
 - a) the execution of water facilities,
 - b) the abstraction of underground waters,
 - c) the agricultural use of waste water
- granted pursuant to the provisions of the Water Law;
 - 5) a decision which sets out the conditions for the execution of works consisting in water regulation and the construction of flood control dikes as well as land amelioration works, construction site drainage and other earthworks which change the water regime - on sites with significant natural values, particularly on sites with concentrations of vegetation with

significant natural values, sites with landscape and ecological values, the grounds of mass breeding of birds, those with concentrations of protected species and fish spawning grounds - granted pursuant to the laws relating to the protection and management of the environment;

6) a decision granting authorisation for a project for the restructuring of rural land holdings - granted pursuant to the laws relating to the restructuring of agricultural and forest land holdings;

7) a decision consenting to change a forest into agricultural land - granted pursuant to the laws relating to forests,

8) a decision granting authorisation to the location of a motorway - granted pursuant to the laws relating to toll motorways – or a decision granting authorisation to the location of an expressway where the provisions of the Act on Toll Motorways apply to the expressway, when such a applies to sections which in the location indications were defined as crucial in the light of the requirements of environmental protection or the possibility of public conflicts.

4. The environmental impact assessment procedure shall also be carried out prior to the granting of the location indications for a motorway, or an expressway where the laws relating to toll motorways apply to such a road.

5. The provisions concerning decisions referred to in paragraph 3 shall apply respectively to the location indications granted pursuant to laws relating to toll motorways; the provisions concerning the authorities responsible for granting such decisions shall apply to the authority responsible for granting the location indications.

6. The environmental impact assessment procedure shall not be carried out where:

1) the granting of the decision referred to in paragraph 3 subparagraph 2) is conditional on the granting of the decision referred to in paragraph 3 subparagraph 4);

2) the granting of the decision referred to in paragraph 3 subparagraph 4) is conditional on the granting of the decision referred to in paragraph 3 subparagraph 5);

and the assessment procedure was carried out prior to the granting of the decision in question.

7. Decisions referred to in paragraph 3 shall need a justification.

8. The justification for the decision, in addition to meeting the requirements pursuant to the provisions of the Administrative Procedure Code, shall include information on the way in which comments and recommendations submitted under Articles 12-17 were taken into account and information on the requirement for the follow-up analysis referred to in Article 35.

Article 26

In the environmental impact assessment procedure, the following shall be identified, analysed and assessed:

1) the direct and indirect effects of a given project on:

a) the environment, human health and the quality of human life,

b) material assets,

c) cultural heritage,

d) the interaction between the factors referred to in indents a) –

e) access to mineral deposits;

2) the possibilities and ways of preventing and reducing adverse impact on the environment,

3) the required scope of monitoring.

Article 27

1. The environmental impact assessment procedure shall be carried out by the public administration authority which is responsible for granting a decision referred to in Article 25 paragraph 3.

2. Subject to paragraph 3, a decision referred to in Article 25 paragraph 3 shall be granted

upon approval by the authorities referred to in Article 37.

3. In the case referred to in Article 25 paragraph 3 subparagraph 2), this is the applicant who shall be obliged to obtain approval by the authorities referred to in Article 37; such approval shall be granted by way of decision.

Article 28

1. The applicant, before submitting an application for a decision referred to in Article 25 paragraph 3 subparagraphs 1) and 3)-8), and location indications referred to in Article 25 paragraph 4, may request that the authority responsible for granting the decision should define the scope of the environmental impact report – with regard to the projects referred to in Article 30 paragraph 1 subparagraph

2. With the request referred to in paragraph 1 there shall be enclosed the information on the proposed project, including, in particular, the following data specifying:

- 1) the type, size and location of the project,
- 2) the surface area of the land occupied or that of the built structure as well as their previous uses,
- 3) the type of technology,
- 4) the possible alternative solutions of the project,
- 5) the amounts of raw materials, water and energy expected to be used,
- 6) the measures to protect the environment,
- 7) types and expected amounts of pollutants to be emitted into the environment when applying the measures to protect the environment.

3. In defining the scope of the report, the authority shall take into account the requirements laid down in Article 31 paragraphs 1 and 5, to the extent warranted by the location and type of the project and the magnitude of its impact on the environment.

4. The interim decision defining the scope of the report shall be issued after the opinion of the authorities referred to in Article 37 paragraph 1 subparagraph 1), and paragraph 2 has been obtained.

Article 29

1. Subject to paragraph 3, along with the application for the granting of a decision referred to in Article 25 paragraph 3, the applicant shall enclose the environmental impact report.

2. In the procedure relating to the projects referred to in Article 30 paragraph 1 subparagraph 2), the information comprising the data laid down in Article 28 paragraph 2 shall be enclosed with the application for the granting of the decision referred to in Article 25 paragraph 3 subparagraphs 1) and 3)-7).

3. In the procedure relating to a decision granting authorisation for a project for the restructuring of rural land holdings the environmental impact report shall be prepared by the authority which carries out the procedure.

Article 30

1. It shall be mandatory to prepare the environmental impact report in relation to:

- 1) proposed projects which may have significant impact on the environment,
- 2) proposed projects which may have significant impact on the environment, where this requirement is imposed pursuant to paragraph 2.

2. The requirement to prepare the environmental impact report for a proposed project referred to in paragraph 1 subparagraph 2) shall be imposed, after the opinion of the authority referred to in Article 37 paragraph 1 subparagraph 2) has been obtained, by way of an interim decision of the authority responsible for granting a decision referred to in Article 25 paragraph 3 subparagraph 1) and 3)-7), which shall define therein the scope of the statement; the

responsible authority shall consider jointly the detailed criteria laid down in paragraph 4 subparagraph 3) and evaluate the need for the report to be prepared for the projects defined in paragraph 4 subparagraph 2).

3. Where, in the procedure for granting a decision on the conditions for development and land use, the requirement to prepare the environmental impact report has been imposed, a report should also be prepared in the procedure for granting a decision on building consent for the same project.

4. The Council of Ministers, considering the likely environmental effects of the projects referred to in paragraph 1 shall, by way of a regulation, lay down:

- 1) the types of projects which may have significant impact on the environment for which the environmental impact report shall be required;
- 2) the types of projects for which the report may be required;
- 3) detailed criteria for deciding whether a project which may have significant impact on the environment requires a report to be prepared, such as its type, location as well as the scale and type of the likely environmental impact which all qualify the project as requiring a report to be prepared.

Article 31

1. The environmental impact report of a project shall contain:

- 1) a description of the proposed project, in particular:
 - a) the characteristics of the whole project and the conditions for site use at the stages of construction and operation;
 - b) the main characteristic features of production processes;
 - c) the envisaged types and amounts of pollutants caused by the operation of the proposed project;
- 2) a description of the natural elements of the environment exposed to the likely environmental impact of the proposed project;
- 3) a description of the alternatives of the project analysed, including the alternative:
 - a) which consists in resignation from undertaking the project,
 - b) which is most favourable for the environment,
along with reasons for their choice;
- 4) an assessment of the expected environmental impact for the alternatives analysed, including the impact occurring should an emergency hazard to the environment arise as well as the possible transboundary impact on the environment,
- 5) the reasons for the alternative chosen by the applicant, indicating its impact on the environment, in particular on human beings, fauna, flora, land, water, air, climate, material assets, cultural heritage and landscape as well as interactions between these factors;
- 6) a description of possible significant environmental effects of the proposed project, including direct, indirect, secondary, cumulative, short-term, medium-term and long-term, permanent and temporary environmental effects caused by:
 - a) the existence of the project,
 - b) the use of natural resources,
 - c) pollution,and a description of the assessment methods applied by the applicant;
- 7) a description of the measures envisaged to prevent, reduce or remedy the adverse effects on the environment;
- 8) where the proposed project involves the use of machinery and other technical equipment, a comparison of the proposed technological solutions with other available solutions applied in national or world practice from the point of view of cleaner production;
- 9) an indication as to whether the project requires the designation of a restricted use area in the understanding of the regulations on the protection and management of the environment as

well as the delineation of the boundaries of such an area, the imposition of restrictions on the range of use of the area and technical requirements for built structures and their uses;

10) the presentation of issues in graphic form;

11) analysis of potential social conflicts in relation to the proposed project;

12) the proposed monitoring of the effects of the proposed project at the stages of construction and operation;

13) an indication of difficulties caused by technical deficiencies or gaps in current knowledge as encountered in preparing the report;

14) a summary of the information contained in the report in a non-technical language;

15) the name(s) of the person(s) who has(have) prepared the report,

16) sources of information providing the basis for the report.

2. The environmental impact report of a project should take into account the effects of the project at the stages of its implementation, operation and decommissioning.

3. Where the environmental impact report is prepared within the procedure for granting decision on building consent, it shall:

1) comprise the information referred to in paragraph 1, with the level of detail and accuracy corresponding to the data acquired from the building design and other information obtained after the decision on the conditions for development and land use as well as following the authorisation for the location of a motorway or an expressway, where the provisions of the Act on Toll Motorways apply to the road;

2) lay down the extent and manner of taking into account the requirements of environmental protection as contained in the decision on the conditions for development and land use and other administrative decisions relating to environmental protection.

4. The scope of the environmental impact report of the project as laid down in the procedure for granting decision on the conditions for development and land use shall be taken into account when conducting the procedure for granting decision on building consent for the same project.

5. The environmental impact report prepared prior to issuing the location indications pursuant to the provisions concerning toll motorways, in addition to the information referred to in paragraphs 1 and 2, shall propose sections which should be defined as crucial in the light of the requirements of environmental protection or the possibility of public conflicts, for which it shall be mandatory to carry out another environmental impact assessment procedure at the stage of granting the authorisation to the location of the motorway.

6. The minister who is responsible for the environment and the minister responsible for culture and the protection of national heritage, in agreement with the minister responsible for health, may, with a view to identifying natural resources and cultural heritage sites existing in the vicinity or within the direct range of impact of the proposed motorway or expressway and determining the effects on such resources and sites, impose by way of a regulation, the detailed requirements to be met by the environmental impact report on a motorway or an expressway where the regulations concerning toll motorways apply to a given road.

7. To the extent where it pertains to the identification of cultural heritage sites existing in the vicinity or within the direct range of impact of the proposed motorway or expressway and to the determination of the effects on such sites, the report referred to in paragraph 6 shall be prepared by an expert included in the list of experts of the minister responsible for culture and the protection of national heritage.

Article 32

The authority responsible for the granting of decisions referred to in Article 25 paragraph 3 shall make the environmental impact report subject to the procedure referred to in Articles 12-

17.

Article 33

In the light of the requirements of environmental protection or the possibility of public conflicts, the authority responsible for the granting of the location indications pursuant to the provisions concerning toll motorways shall identify in such indications the crucial sections for which it shall be mandatory to carry out another environmental impact assessment procedure at the stage of granting authorisation to the location of the motorway.

Article 34

Where the environmental impact assessment procedure results in finding that a project should be implemented in a way other than the proposed one, the public administration authority shall either, if the applicant agrees, in the decision referred to in Article 25 paragraph 3 subparagraphs 1) and 3)-8), indicate the alternative authorised to be implemented; or, if the applicant fails to agree - shall discontinue the procedure.

Article 35

1. The public administration authority may:

1) by a decision referred to in Article 25 paragraph 3, impose obligations to prevent, reduce and monitor the effects of the project on the environment;

2) by a decision referred to in Article 25 paragraph 3 subparagraph 2), with regard to projects for which preparation of the environmental impact report is mandatory, impose on the applicant the obligation to submit a follow-up analysis, defining its scope and the time of its submission.

2. The follow-up analysis referred to in paragraph 1 subparagraph 2) shall compare the findings of the environmental impact report and the provisions of the decision referred to in Article 25 paragraph 3 subparagraph 2), with the real effects of the project on the environment and the measures undertaken to minimise them.

Article 36

Where the decision referred to in Article 25 paragraph 3 is granted in violation of the requirements laid down in Articles 12-17, Article 25 paragraph 2, Articles 38-44, Articles 46 and 49, it shall be null and void.

Article 37

1. The public administration authority responsible for granting its approval prior to the granting of decisions referred to in Article 25 paragraph 3 subparagraphs 1), 2), 4)-8) and for giving its opinion on the need for preparing the environmental impact report and its scope shall be:

1) the relevant voivode – for the projects referred to in Article 30 paragraph 1 subparagraph 1;

2) the head of the county public administration (starost) and the county sanitary inspector - for the projects referred to in Article 30 paragraph 1 subparagraph 2).

2. The public administration authorities responsible for the matters referred to in Article 25 paragraphs 4 and 5 shall be the minister who is responsible for the environment and the Chief Sanitary Inspector.

Chapter 6

The environmental impact assessment procedure relating to the transboundary impact

on the environment

Article 38

1. Where the transboundary impact on the environment is likely to originate in the territory of the Republic of Poland, as a result of:

1) the implementation of proposed projects covered by decisions referred to in Article 25 paragraph 3;

2) the implementation of draft policies, strategies, plans or programmes referred to in Article 19 paragraph 1 subparagraph 2),

the environmental impact assessment procedure relating to the transboundary impact on the environment shall be carried out.

2. The environmental impact assessment procedure relating to the transboundary impact on the environment shall also be carried out where the likely impact on the environment which originates outside of the borders of the Republic of Poland may manifest themselves in its territory.

Article 39

1. Where the public administration authority which carries out the environmental impact assessment procedure for a proposed project finds that it may have transboundary impact on the environment as a result of its implementation

1) it shall make a decision that the environmental impact assessment procedure relating to the transboundary impact on the environment should be carried out, imposing on the applicant the obligation to prepare documentation indispensable for this procedure to be carried out, in the language of the country in whose territory the project may have its impact, and setting out the scope of this documentation,

2) it shall immediately inform the minister responsible for the environment of the likely transboundary impact of the proposed project on the environment and forward the documentation indispensable for the actions referred to in Article 40 to be taken.

2. A complaint may be filed against the decision referred to in paragraph 1 subparagraph 1).

Article 40

1. Having acquired information on the likely transboundary impact of the proposed project on the environment, the minister who is responsible for the environment shall immediately notify thereof the state in whose territory the project may have its impact and propose a time frame for the state to respond as to whether it is interested in participating in the environmental impact assessment procedure.

2. The minister who is responsible for the environment shall enclose with the notification the data referred to in Article 28 paragraph 2.

Article 41

Where the state referred to in Article 40 paragraph 1 notifies that it is interested in participating in the environmental impact assessment procedure, in agreement with the public administration authority which carries out the environmental impact assessment procedure, the minister responsible for the environment shall agree with this state on the dates of the stages of the procedure.

Article 42

1. Having obtained the environmental impact report, the minister who is responsible for the environment shall forward it immediately to the state which participates in the environmental

impact assessment procedure.

2. Via the minister responsible for the environment, the public administration authority which carries out the environmental impact assessment procedure shall hold consultations with the state where the project may have its impact concerning the measures to eliminate or reduce the transboundary impact on the environment.

3. Where the minister responsible for the environment deems it purposeful in the light of the importance or intricacy of the case, the minister may take over the consultations referred to in paragraph 2.

4. The minister responsible for the environment shall participate in the consultations referred to in paragraph 2, whereas the public administration authority which carries out the environmental impact assessment procedure shall participate in the consultations referred to in paragraph 3.

Article 43

1. Comments and recommendations submitted by the state which participates in the environmental impact assessment procedure and the results of the consultations referred to in Article 42 shall be taken into account in granting decisions referred to in Article 25 paragraph 3 and in making the interim decision on the scope of the environmental impact report.

2. The decisions referred to in Article 25 paragraph 3 shall be granted only after the conclusion of the environmental impact assessment procedure relating to the transboundary impact on the environment.

Article 44

The minister who is responsible for the environment shall forward the decisions referred to in Article 25 paragraph 3 to the state which participates in the environmental impact assessment procedure.

Article 45

1. Having obtained documents which contain information on a project undertaken outside of the borders of the Republic of Poland which may have its impact in its territory, the minister who is responsible for the environment shall immediately forward it to the voivode who is relevant in the light of the area affected by the likely transboundary impact on the environment.

2. To the extent indispensable to allow for an analysis of the impact of the project on the environment, the voivode shall make available for public review the documents referred to in paragraph 1 in the Polish language; the provision of Article 13 paragraph 1 subparagraph 1) shall apply, respectively.

3. The voivode shall submit his or her draft position on the project which may have its impact on the environment in the territory of the Republic of Poland to the minister who is responsible for the environment.

4. The minister who is responsible for the environment shall notify the state which undertakes a project which may have impact on the environment in the territory of the Republic of Poland about his or her position on this project.

Article 46

The provisions of this Chapter shall apply respectively to the cancellation, modification or annulment of the decisions referred to in Article 25 paragraph 3.

Article 47

The provisions of Articles 40-45 shall respectively to the environmental impact assessment procedure relating to draft policies, strategies, plans or programmes referred to in Article 19 paragraph 1 subparagraph 2) the implementation whereof may have transboundary impact on the environment.

Article 48

The provisions of Articles 6 and 7 shall apply respectively to the procedure relating to the transboundary impact on the environment.

Article 49

Unless international agreements provide for a different procedure relating to the transboundary impact on the environment, the provisions of this Chapter shall apply.

Chapter 7

The Environmental Impact Assessment Commissions

Article 50

1. The National Environmental Impact Assessment Commission, hereinafter referred to as the "National Commission", shall be established as a body to give opinion to, and advise, the minister responsible for the environment in the matters of environmental impact assessments.
2. The Chairman of the National Commission, his/her Deputies, Secretary and Members of the National Commission in the number of 60 persons shall be appointed by the minister responsible for the environment from among representatives of science, practice and non-governmental organisations whose statutory objectives relate to environmental protection.
3. The tasks of the National Commission shall include in particular:
 - 1) the provision of opinions on cases submitted by the minister responsible for the environment relating to his/her powers as laid down by statute,
 - 2) the monitoring of the functioning of the system of environmental impact assessments and the provision of opinions and recommendations, including those on the development of methodology and training programmes in the scope of environmental impact assessments,
 - 3) the presentation of opinions on draft legal acts concerning the system of environmental impact assessments,
 - 4) co-operation with the commissions referred to in Article 51 paragraph 1.
4. On the voivode's request, the minister responsible for the environment may ask the Commission to present its opinion in the matters which fall within the voivode's authority under statute.

Article 51

1. The Voivodship Environmental Impact Assessment Commissions, hereinafter referred to as the "Voivodship Commissions", shall be established as bodies to give opinion to, and advise, the voivodes in the matters of environmental impact assessments.
2. The Chair of the Voivodship Commission, his/her Deputy, Secretary and Members of the Commission in the number of 20 to 40 persons shall be appointed by the voivode, in agreement with the Marshall of the Voivodship, from among representatives of science, practice and non-governmental organisations whose statutory objectives relate to environmental protection.
3. The tasks of the Voivodship Commissions shall include in particular:

- 1) the provision of opinions on cases submitted by the voivode relating to his/her powers as laid down by statute,
- 2) the presentation of opinions and recommendations on the development of training programmes in the scope of environmental impact assessments,
- 3) co-operation with the National Commission and other Voivodship Commissions.
4. On the starost's request, the voivode may ask the Voivodship Commission to present its opinion in the matters which fall within the starost's authority under statute.
5. Two or more voivodes may establish a joint Voivodship Commission.

Article 52

1. The expenses of the activities of the National Commission and Voivodship Commissions shall be covered by the state budget allocations managed by the minister responsible for the environment or the voivode, respectively.
2. The minister responsible for the environment or the voivode shall ensure office services for the National Commission and Voivodship Commissions.

Article 53

The members of the National Commission and Voivodship Commissions and the experts invited to take part in their sessions, when they live outside of the locality where the session is held and take part in the session, shall be entitled to reimbursement of their per diem allowances, travel and accommodation costs according to the principles of establishing and calculating the payments due to employees in relation to their domestic duty trips.

Article 54

1. By way of a regulation, the minister responsible for the environment shall lay down the detailed rules of operation of the National Commission and Voivodship Commissions.
2. The regulation referred to in paragraph 1 shall lay down:
 - 1) the organisation of the Commissions,
 - 2) the rules of procedure of the Commissions.

Chapter 8

Amendments to existing regulations, interim and final provisions

Article 55

In the Water Law of 24 October 1974 (Official Journal, No. 38, Item 230; 1980, No. 3, Item 6; 1983, No. 44, Item 201; 1989, No. 26, Item 139, and No. 35, Item 192; 1990, No. 34, Item 198, and No. 39, Item 222; 1991, No. 32, Item 131, and No. 77, Item 335; 1993, No. 40, Item 183; 1994, No. 27, Item 96; 1995, No. 47, Item 243; 1996, No. 106, Item 496; 1997, No. 47, Item 299, No. 88, Item 554, and No. 133, Item 885; 1998, No. 106, Item 668; 2000, No. 12, Item 136), the following amendments shall be made:

- 1) in Article 25, following paragraph 2, paragraph 2a shall be added with the wording: "2a. The provision of paragraph 2 shall not apply where it is mandatory to prepare the environmental impact report in the meaning of the regulations concerning the access to information on the environment and its protection and on environmental impact assessments.";

2) in Article 26, subparagraph 1) shall be worded as follows:

"1) the performance of an expert analysis which extends in terms of its subject beyond the range of an environmental audit in the meaning of the regulations on the protection and management of the environment,";

3) in Article 55, paragraph 2 shall be worded as follows:

"2. The voivode shall be the authority responsible for granting the decision referred to in paragraph 1 where it applies to a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments.";

4) in Article 120, following paragraph 2, paragraph 3 shall be added with the wording:

"3. The regulations on access to information on the environment and its protection and on environmental impact assessments shall define the cases where permits granted pursuant to the provisions of the Water Law shall be placed in publicly accessible records.".

Article 56

In the Act on the Protection and Management of the Environment of 31 January 1980 (Official Journal, 1994, No. 49, Item 196; 1995, No. 90, Item 446; 1996, No. 106, Item 496, and No. 132, Item 662; 1997, No. 46, Item 296, No. 96, Item 592, No. 121, Item 770, and No. 133, Item 885; 1998, No. 106, Item 668; 1999, No. 101, Item 1178; 2000, No. 12, Item 136, No. 48, Item 550, No. 62, Item 718), the following amendments shall be made:

1) in Article 1, in paragraph 2, following the word "landscape", the words "and climate" shall be added;

2) in Article 3, in subparagraph 15) the period shall be replaced by a comma, and subparagraph 16) shall be added with the wording:

"16) "ecophysiographic study" shall mean documentation prepared for the purposes of land-use plans to characterise the individual natural elements of the environment in the areas covered by the plan and their interactions.";

3) in Article 6:

a) following paragraph 4, paragraph 4a shall be added with the wording:

"4a. The requirements referred to in paragraphs 1-4 shall be laid down on the basis of ecophysiographic studies, depending on the type of plan, the features of the individual natural elements of the environment and their interactions.";

b) following paragraph 5, paragraph 6 shall be added with the wording:

"6. In agreement with the minister for land-use and housing, the minister responsible for the environment shall define the types and scope of the ecophysiographic studies referred to in paragraph 4a.";

4) in Article 20, paragraph 3 shall be worded as follows:

"3. By way of a decision, the voivode shall lay down the conditions for the performance of the works referred to in paragraphs 1 and 2.";

5) Article 22 shall be deleted;

6) in Article 28, paragraph 3 shall be worded as follows:

"3. The voivode shall be the authority responsible for granting the decision referred to in paragraph 2 where it applies to a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments.";

7) in Article 30:

a) paragraph 2a shall be worded as follows:

"2a. The voivode shall be the authority responsible for granting the decision referred to in paragraph 1 where it applies to a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments",

b) Paragraphs 9 and 10 shall be deleted;

8) in Article 51, paragraph 2a shall be worded as follows:

"2a. The voivode shall be the authority responsible for granting the decision referred to in paragraph 2 where it applies to a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments.";

9) following Article 67, Article 67a shall be added with the wording:

"Article 67a. 1. Where circumstances are found to indicate that the organizational entity may have adverse impact on the environment, subject to paragraph 2, in performing his or her tasks in the scope of the government administration, by way of a decision, the starost may oblige the entity to carry out and submit the results of an environmental audit.

2. The voivode shall be the authority responsible for making the decision referred to in paragraph 1 where it applies to a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments.

3. The environmental audit of a project which may have significant impact on the environment shall contain:

1) a concise description of the project, including

a) its nature, size and location,

b) the surface area of the land occupied or that of the built structure,

c) the type of technology,

d) the structures or areas existing in the vicinity or within the direct range of impact of the project where they are protected pursuant to the regulations concerning nature conservation, water law as well as the regulations concerning health resorts and curative treatment in such resorts,

2) an analysis of decisions granted in the field of environmental protection and an assessment of their implementation,

3) the determination of the impact of the project on the environment, including the case of an emergency hazard to the environment,

4) a description of measures to prevent and reduce the impact on the environment,

5) a comparison of the proposed technological solutions with other available solutions applied in national or world practice from the point of view of cleaner production,

- 6) an indication as to whether the project requires the designation of a restricted use area as well as the delineation of the boundaries of such an area, the determination of restrictions on the range of use of the area and technical requirements for built structures and their uses,
- 7) an indication of difficulties caused by technical deficiencies or gaps in current knowledge as encountered in carrying out the audit,
- 8) a concise summary of the information contained in the audit in a non-technical language,
- 9) the name(s) of the person(s) who has(have) carried out the audit.

4. In the decision referred to in paragraph 1, the authority responsible for making it may:

- 1) limit the subject scope of the audit,
- 2) indicate methods for tests and studies.

5. Where the possible adverse impact on the environment originates from an activity which is not a project which may have significant impact on the environment, in performing his or her tasks in the scope of the government administration, the starost shall specify which of the requirements listed in paragraph 3 should be met in carrying out the audit of its impact on the environment.";

10) in Article 68, paragraphs 5 and 6 shall be deleted;

11) Article 70 shall be deleted;

12) in Article 70a, in paragraph 1 the words "in Article 20 paragraph 3, Article 68 paragraph 6 and Article 70 paragraph 1 of this Act as well as" shall be deleted;

13) in Article 71, paragraphs 2-3a shall be worded as follows:

"2. Where the environmental impact assessment procedure in the meaning of the regulations on access to information on the environment and its protection and on environmental impact assessments, or the environmental audit referred to in Article 67a, indicates that, despite the application of the measures referred to in paragraph 1, it is impossible to eliminate the adverse impact on the environment, a restricted use area shall be established for waste water treatment plants, municipal waste landfills, transport routes, composting plants, airfields, electric power lines and stations as well as radiocommunication, radionavigation and radiolocation stations.

3. Subject to paragraph 3a, the restricted use area for a project which may have significant impact on the environment shall be established by the county council by way of a resolution, specifying the boundaries of the area, restrictions on the use of the site, technical requirements for buildings and the uses of the site, based on the results of the environmental impact assessment procedure or the environmental audit.

3a. Taking into account the requirements referred to in paragraph 3, by way of local law, the voivode shall establish the restricted use area for a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments.";

14) in Article 82:

a) paragraph 2 shall be worded as follows:

"2. Subject to paragraph 2a, in performing his or her tasks in the scope of the government administration, by way of a decision, the starost may define the scope and manner of implementation of the obligation referred to in paragraph 1, taking into account the public interest, the existing status of destruction of, or hazard to, the environment as well as the feasibility of the implementation of the obligation.",

b) following paragraph 2, paragraph 2a shall be added with the wording: "2a. Where an

activity which has adverse impact on the environment is a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments, the voivode shall be the authority responsible for defining the scope of the obligation referred to in paragraph 1.";

15) in Article 86b, paragraph 6 shall be deleted;

16) in Article 86e, in paragraph 1, subparagraph 3) shall be worded as follows:

"3) detailed principles of managing the register referred to in Article 86b paragraph 4,";

17) in Article 100, paragraphs 2-5 shall be deleted;

18) in Article 110:

a) paragraph 1c shall be deleted,

b) paragraph 2 shall be worded as follows:

"2. By way of a regulation, the Council of Ministers shall define the amounts, conditions and procedure of imposition of fines referred to in paragraphs 1 and 1b, taking into account the types and amounts of substances emitted into the air in violation of regulations, the duration of such exceedances, the exceedance of the limit noise levels in daytime and night-time as well as the species and varieties of trees and shrubs removed without authorisation.".

Article 57

In the Act on the Inspectorate for Environmental Protection of 20 July 1991 (Official Journal, No. 77, Item 335; 1996, No. 106, Item 496; 1997, No. 121, Item 770, No. 133, Item 885, and No. 141, Item 943; 1998, No. 106, Item 668; 2000, No. 12, Item 136), the following amendments shall be made:

1) Article 19 shall be worded as follows:

"Article 19. In the procedure relating to the granting to decisions on the conditions for development and land-use for a proposed project which may have significant impact on the environment as referred to in Article 30 paragraph 1 of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments and the regulations on the location of toll motorways, the voivodship inspector for environmental protection shall have the rights of a party to the administrative procedure and to the procedure before the Higher Administrative Court where he or she notifies that he or she wishes to participate in these procedures.";

2) in Article 20, paragraph 1 shall be worded as follows:

"1. The heads of organisational entities and physical persons who set in operation new or modernised structures or facilities connected with a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments shall be obliged to notify the relevant voivodship inspector for environmental protection about the date on which such structures or facilities will be set in operation.".

Article 58

In the Geological and Mining Law of 4 February 1994 (Official Journal, No. 27, Item 96; 1996, No. 106, Item 496; 1997, No. 88, Item 554, No. 111, Item 726, No. 133, Item 885; 1998, No. 106, Item 668), the following amendments shall be made:

1) Article 19 shall be worded as follows:

"Article 19. In addition to the requirements provided for in Article 18, the application for a concession for exploration of, and prospecting for, mineral deposits shall define the purpose, scope, type and timetable of the intended works.";

2) in Article 20, in paragraph 2, in subparagraph 2) the period shall be replaced by a comma, and subparagraph 3) shall be deleted;

3) in Article 21, paragraph 2 shall be worded as follows:

"2. Where radioactive waste storage is intended, an analysis of the radiation hazard, with its scope set out by the President of the State Atomic Agency, should be enclosed with the application referred to in paragraph 1.".

Article 59

In the Building Law of 7 July 1994 (Official Journal, No. 89, Item 414; 1996, No. 100, Item 465, No. 106, Item 496, and No. 146, Item 680; 1997, No. 88, Item 554, and No. 111, Item 726; 1998, No. 22, Item 118, and No. 106, Item 668; 1999, No. 41, Item 412, No. 49, Item 483, No. 62, Item 682; 2000, No. 12, Item 136, No. 29, Item 354, No. 43, Item 489), the following amendments shall be made:

1) in Article 29, in paragraph 1, subparagraph 5a) shall be worded as follows:

"5a) temporary built structures which are not permanently fixed to the ground and envisaged to be demolished or moved to another place at a date defined in the notice referred to in Article 30 paragraph 1, but at the latest within 120 days from the date when the construction defined in the notice starts; this exemption shall not apply to structures connected with projects which may have significant impact on the environment as referred to in the regulations on access to information on the environment and its protection and on environmental impact assessments.";

2) in Article 32:

a) paragraph 1 shall be worded as follows:

"1. The building consent to the construction or demolition of a built structure may be granted after:

1) the environmental impact assessment procedure has been performed as required by the regulations on access to information on the environment and its protection and on environmental impact assessments,

2) the developer has obtained permits, approvals or opinions of other authorities.";

b) in paragraph 2, following the words "in paragraph 1", the words "subparagraph 2)" shall be added;

3) in Article 33:

a) in paragraph 2, subparagraph 1) shall be worded as follows:

"1) the construction design, along with opinions, approvals, permits and other documents as required by special regulations,"

b) in paragraph 3, in subparagraph 1), the words "and the environment" shall be deleted,

c) in paragraph 4, subparagraph 5) shall be worded as follows:

"5) permits, approvals or opinions of other authorities as well as other documents required by special regulations,";

4) in Article 38, following paragraph 3, paragraph 4 shall be added with the wording:

"4. The regulations on access to information on the environment and its protection and on environmental impact assessments shall indicate the cases where decisions on granting building consent shall be placed in publicly accessible records.".

Article 60

In the Land Use Act of 7 July 1994 (Official Journal, 1999, No. 15, Item 139, No. 41, Item 412, No. 111, Item 1279; 2000, No.12, Item 136), the following amendments shall be made:

1) in Article 10, paragraph 2 shall be deleted:

2) in Article 18 paragraph 2 subparagraph 6), the words "and the prognosis referred to in Article 10 paragraph 2" shall be deleted;

3) in Article 40:

a) in paragraph 3c, the word "greater" shall be replaced by the words "the greatest";

b) in paragraph 4, subparagraphs 1) and 2) shall be deleted;

c) paragraphs 4a and 5 shall be deleted;

4) in Article 41:

a) in paragraph 2, subparagraph 4) shall be worded as follows:

"4) the characteristic technical parameters of the investment project and the data characterising its impact on the environment or its use where the investment project does not require the environmental impact assessment procedure to be carried out pursuant to the regulations on access to information on the environment and its protection and on environmental impact assessments.",

b) paragraph 2a shall be deleted;

5) in Article 50:

a) the previous content shall be designated as paragraph 1,

b) paragraph 2 shall be added with the wording:

"2. The regulations on access to information on the environment and its protection and on environmental impact assessments shall indicate the cases where decisions granting the conditions for development and land-use shall be placed in publicly accessible records.";

6) in Article 60:

a) the previous content shall be designated as paragraph 1,

b) paragraph 2 shall be added with the wording:

"2. The regulations on access to information on the environment and its protection and on environmental impact assessments shall indicate the cases where programmes containing government tasks designed to implement higher than local public goals shall be placed in publicly accessible records.".

Article 61

In the Act on Toll Motorways of 27 October 1994 (Official Journal, No. 127, Item 627; 1996, No. 106, Item 496, and No. 156, Item 775; 1997, No. 133, Item 885; 1998, No. 106, Item 668; 2000, No. 48, Item 550), the following amendments shall be made:

1) in Article 7, in paragraph 2, subparagraph 1) shall be worded as follows:

"1) the performance of studies on motorways, the preparation of documents required for the environmental impact assessment procedure at the stages of granting location indications and issuing the decision on the location of the motorway as referred to in the regulations on access to information on the environment and its protection and on environmental impact assessments,";

2) in Article 20: a) in paragraph 1, subparagraphs 3) and 5) shall be deleted,

b) paragraph 4 shall be worded as follows:

"4. In agreement with the minister responsible for transport, by way of a regulation, the minister responsible for agriculture shall define the requirements to be met by the assessment referred to in paragraph 1 subparagraph 4). Such assessment shall allow for analysis of the impact of the implementation of the motorway on the production potential of agricultural and forest land holdings.".

Article 62

In the Waste Act of 27 June 1997 (Official Journal, No. 96, Item 592; 1997, No. 88, Item 554; 1998, No. 106, Item 668, No. 113, Item 715; 1999, No. 101, Item 1178; 2000, No. 12, Item 136, No. 22, Item 272), the following amendments shall be made:

1) in Article 8, paragraph 6 shall be worded as follows:

"6. The permit referred to in paragraph 1 and the manner of waste management referred to in paragraphs 3 and 4 shall be granted or approved by the voivode, following the procedure referred to in paragraphs 1 and 3, where the waste generation is connected with a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments.";

2) in Article 11, paragraph 3a shall be worded as follows:

"3a. The permit referred to in paragraph 3 shall be granted by the voivode, following the procedure referred to in paragraph 3, where it applies to a project which may have significant impact on the environment as referred to in Article 30 paragraph 1 subparagraph 1) of the Act on Access to Information on the Environment and Its Protection and on Environmental Impact Assessments.".

Article 63

The existing regulations shall apply to the cases initiated before this Act enters into force where the final decision has not been made.

Article 64

Where the procedure leading to the granting of a decision on the conditions for development and land-use, for a project referred to in Article 30 paragraph 1 subparagraph 2), began prior to the entry into force of this Act, the provision of Article 28 shall apply, respectively, in laying down the scope of the environmental impact report for the project within the procedure

leading to the granting of building consent. The decision setting out the scope of the environmental impact report shall be made by the authority responsible for granting the building consent.

Article 65

1. Where the procedure for granting a decision on the conditions for development and land-use, for a project referred to in Article 30 paragraph 1 subparagraph 2), began prior to the entry into force of this Act, information containing the data laid down in Article 28 paragraph 2 shall be enclosed with the application for building consent to the construction works which are part of the same project.
2. Having obtained the opinion of the authority referred to in Article 37 paragraph 1 subparagraph 2), based on the information referred to in paragraph 1, by way of a decision, the authority responsible for granting building consent to construction works shall impose the obligation to prepare the report and define its scope; the authority responsible for granting the building consent to construction works shall seek approval of this consent by the authority referred to in Article 37 paragraph 1 subparagraph 2).

Article 66

Whenever the existing regulations refer to investment projects which are particularly harmful to the environment and human health or investment projects which may be detrimental to the state of the environment, they shall be understood to mean projects which may have significant impact on the environment as referred to in Article 30 paragraph 1 of this Act.

Article 67

Until the enabling regulations provided for in this Act are adopted, not longer, however, than for one year from the date of its entry into force, the existing regulations shall retain their force, unless they are in contradiction with this Act.

Article 68

This Act shall enter into force on 1 January 2001.