

EIA system

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The system of environmental impact assessments in Poland

Impact assessments in view of the European Union law

Polish Law regulating the rules for conducting environmental impact assessment which is defined as the study on the environmental impact of planned activities execution derives from the following directives of the European Union law:

- European Parliament and Council Directive 2011/92/EU of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment;
- European Parliament and Council Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment;
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

First of the aforementioned directives (EIA) specifies the rules of environmental impact assessment of projects, the second one (SEA) applies to plans and programmes and the third one (Habitats Directive) - to projects as well as plans and programmes. The EIA Directive applies to specified kinds of projects (provided for in Annexes I and II), the SEA Directive partially refers to framework for these projects while the Habitats Directive (and in the remaining part also concerning SEA since it refers to Habitats Directive) defines the types of projects, draft plans or programmes in a less precise way, with their impact on Natura 2000 sites as the point of reference.

As a result we have three groups of draft plans (and the fourth one which is not specified in directives) and three groups of projects (and the fourth one which is not specified in directives) divided as follows:

Draft documents:

1. Sectoral, setting the framework for projects mentioned in Annexes I and II to the EIA Directive (which require environmental impact assessment according to Article 3 item 2 lit. a of the SEA Directive, a priori conclusion),
2. Execution of which may cause significant impact on Natura 2000 area (requiring environmental impact assessment according to Article 3, item 2, lit. b of the SEA Directive, a posteriori conclusion through screening),
3. Other than aforementioned, execution of which may cause significant impact on the environment (may require environmental impact assessment according to Article 3 item 5 of the SEA Directive, a posteriori conclusion through screening).

Projects

1. Stated in Annex I to the EIA Directive (requiring environmental impact assessment according to Article 4, paragraph 1 of the EIA Directive, a priori conclusion),
2. Stated in Annex II to the EIA Directive (requiring environmental impact assessment according to Article 4 paragraph 2 of the EIA Directive, a posteriori conclusion through screening),
3. Which are likely to have significant effect on Natura 2000 area (requiring environmental impact assessment according to Article 6 paragraph 3 of the Habitats Directive, a posteriori conclusion through screening).

Links:

[European Commission Website \(Environment\)](#)

[Page concerning EIA and SEA Directives](#)

[Page concerning the Habitats Directive](#)

National System of Environmental Impact Assessments

Aforementioned directives are currently transposed with Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessment. Its separate parts concern the evaluation of draft documents and projects.

Annexes I and II to the EIA Directive have been implemented in the Regulation of the Council of Ministers of 9 November 2010 on projects likely to have significant effects on the environment.

Section IV of this act contains regulations of strategic environmental impact assessment i.e. evaluation of draft documents. These drafts can be divided into the following groups.

Draft documents:

1. Planning, e.g. drafts of local spatial plans (requiring strategic environmental impact assessment according to Article 46 item 1 of the aforementioned Act, a priori conclusion),
2. Sectoral, setting a framework for projects that may have a significant impact on the environment, i.e. projects described in an appropriate regulation of the Council of Ministers (requiring strategic environmental impact assessment according to Article 46 item 2 of the aforementioned Act, a priori conclusion),
3. Execution of which may have a significant impact on Natura 2000 area (requiring strategic environmental impact assessment according to Article 46 item 3 of the aforementioned Act, a posteriori conclusion, through screening),
4. Other than stated above:
 - setting a framework for projects that may have a significant impact on the environment,
 - execution of which may have a significant impact on the environment.
 - that may require strategic environmental impact assessment according to Article 47 of the aforementioned Act, a posteriori conclusion through screening.

Section V of the act concerns the environmental impact of projects which can be divided into:

● Projects that do not require the decision on environmental conditions before execution

1. Projects that are likely to have a significant impact on the environment, (requiring environmental impact assessment according to Article 59 paragraph 1 item 1 of the aforementioned Act);
2. Projects that potentially are likely to have a significant impact on the environment, (requiring environmental impact assessment according to Article 59, paragraph 1, item 2 of the aforementioned Act, a posteriori conclusion through screening);

Projects that require the decision on environmental conditions before execution:

- Any projects different from those mentioned in the above regulation that may have a significant impact on Natura 2000 area (requiring impact assessment according to Article 59 paragraph 2 of the aforementioned Act, a posteriori conclusion through screening).

It should be noted that regulations concerning environmental impact assessments apply also to changes of the accepted documents as well as to changes of projects already executed or being in the process of execution.

Most important notions:

Decision on environmental conditions - the decision of public administration body defining the environmental conditions of project execution, it is required before the execution of projects that may always have a significant impact on the environment and that potentially may have a significant impact on the environment (the decision is made before applying for a decision on development consent, e.g. building permit, etc.)

Environmental impact assessment:

- proceedings relating to environmental impact assessment of the planned project, especially consisting of environmental impact assessment report verification,

acquiring the opinions and accords stated in the act, ensuring the possibility of public participation in the proceedings,

- these proceedings take place as a part of proceedings that will result in a decision on environmental conditioning, i.e. applying to projects that may always have a significant impact on the environment and that potentially may have a significant impact on the environment, if that kind of obligation is imposed.

Natura 2000 area impact assessment - it is the environmental impact assessment of project limited to analysis of the project impact on Natura 2000 area.

Strategic environmental impact assessment - proceedings relating to strategic environmental impact assessment of the results of policy, strategy, plan or programme execution, especially based upon accord on the level of information details in prognosis of environmental impact, preparation of such a prognosis, acquisition of opinions stated in the act and ensuring the possibility of public participation in the proceeding.