

**Project to Assist Poland in the Implementation of the Access to Information Directive, the EIA
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Handbook on
**ENVIRONMENTAL IMPACT
ASSESSMENT PROCEDURES**
in Poland

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Environmental Impact Assessment Procedures in Poland

Postępowanie w sprawie oceny oddziaływania na środowisko planowanych przedsięwzięć

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Access to environmental information

Authors: Jerzy Jendrośka, Marcin Stoczkiewicz

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Environmental Impact Assessment procedures

Authors: Beata Wiszniewska, John A Farr, Jerzy Jendrośka

Ministry of Environment/Ministerstwo Środowiska, Warszawa 2002

Public participation in Environmental Impact Assessment Procedures

Authors: Anders Tvevad, John A Farr, Jerzy Jendrośka, Dariusz Szwed

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The publications (in Polish and English) – as well as other documents prepared by the project – are available on the Ministry of Environment website: <http://www.mos.gov.pl/aarhus>.

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Preface

Significant changes have been recently introduced to the Polish legislative system of environmental protection. Some of them relate to environmental impact assessment. The changes ensue from the process of adjusting Polish legislation to the requirements of the European Union. The Environmental Protection Law Act of 27 April 2001 (Dz.U. 2001 No.62, item 627 with amendments) is the most important legal document adopted during last year. The Act contains provisions on all environmental components, establishes general rules, specifies basic definitions, and orders legislation in the field.

The Environmental Protection Law Act introduced significant changes in the environmental impact assessment system, which had also been adopted a year earlier in the Act of 9 November 2000 on Access to Information on the Environment and its Protection and on Environmental Impact Assessment (Dz.U.2000 No. 109, item 1157). Until the year 2000 the term 'environmental impact assessment' related only to documents, which was not in accordance with EU requirements.

Under new legislation, environmental impact assessment is not just the documents but the whole procedure relating to future activities (investment plans and projects). The documents are referred to as the report on project's impact on environment. The new legislation introduced screening and scoping procedures and enlarged the possibilities for public participation in environmental impact assessment procedure.

Implementation of these provisions requires their practical application and enforcement on each level of public administration. Due to the fact that the provisions are by and large new and often quite complicated, their interpretation and application may cause some problems. Therefore, the Ministry of Environment has decided to prepare three handbooks that will be helpful in applying new regulations. The handbooks are mainly targeted at public administration officials. They have been prepared by Polish and foreign specialists with a thorough knowledge of both theoretical and practical aspects of environmental protection.

I would like to recommend this publication on the procedure of conducting environmental impact assessment for proposed projects. I hope that this publication will prove to be useful in your day-to-day work for the benefit of environment.

Warsaw, March 2002

The Minister of Environment
Stanislaw Żelichowski

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1. Introduction

1.1. The aim of the publication

The following publication analyses environmental impact assessment procedure with relation to proposed projects (hereinafter referred to as the EIA procedure). The procedure has been defined in the Environmental Protection Law Act of 27th April 2001, hereinafter referred to as the EPL Act (Dz.U. No. 62 item 627 with amendments; Dz.U. is an abbreviation for *Dziennik Ustaw* i.e. the Journal of Laws of the Republic of Poland).

The EPL Act introduced new legislation relating to the procedure and transposing to the Polish legal system the requirements of the Council Directive 85/337/EEC of 27 June 1985 on Assessment of Certain Public and Private Projects on the Environment (amended by the Council Directive 97/11/EC of 3 March 1997). In the field of the EIA procedure the EPL Act takes into account the requirements of two international conventions:

- The UN/ECE Convention on Transboundary Environmental Impact Assessment, which was signed in 1991 in Espoo, hence known as ‘the Espoo Convention,’ and ratified by Poland under the Act of 9 January 1997 (Dz.U. 1997 No.18 item 96);
- The UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which was signed in Aarhus in 1998, hence known as ‘the Aarhus Convention,’ and ratified by Poland under the Act of 21 June 2001 (Dz.U. 2001 No. 89 item 970).

The publication should be regarded as a set of guidelines on conducting the EIA procedure. This is also an attempt at establishing the norm for carrying out the EIA procedure. Moreover, the publication aims at facilitating co-operation between parties in a given EIA procedure.

The main objective of the publication is to provide assistance in implementing new legislation for public administration bodies responsible for carrying out the EIA procedure. The guidelines may help the bodies responsible for issuing decisions to consider all the significant issues related to proposed projects as well as to local environmental conditions and to fulfil procedural requirements. The annex to the publication includes supplementary registers, which after filling in may also constitute justification for the decision reached by the body and as such can be placed in the archives.

The publication is also recommended to investors planning to carry out projects that may undergo the EIA procedure. Becoming familiar with the procedure before it is initiated will allow a particular investor to include environmental impact assessment issues in the process of project planning. This will make the process more efficient and will enable to consider all the significant environmental protection issues at the earliest stage of planning.

The guidelines presented in the publication may also prove to be useful for experts who prepare EIA reports or who, due to their knowledge and experience, provide assistance for investors or for bodies carrying out the EIA procedure. Quite often such experts are responsible not only for preparing the report but also for facilitating co-operation between the parties in the procedure and communication between different interest groups. Therefore, detailed knowledge on the procedure is indispensable for them.

The most significant issues are purposefully repeated throughout the publication. This is due to the assumption that not everybody is willing to read the whole publication. Therefore, when reading only the part relevant to a given case, the reader will not miss certain procedural requirements or entitlements included in a different part of the publication.

The publication has been prepared within the project assisting Poland in the implementation of the Council Directive on Assessment of Certain Public and Private Projects on the Environment and of the Aarhus Convention (the Project of the Danish Environmental Protection Agency No. 124/031-0152) in close co-operation with the Environmental Protection Department and Department of Investment and Technological Development.

The documents of the European Union containing guidelines on the EIA procedure ("Guidance on EIA", Office for Official Publications of the European Communities, 2001) constituted the basis for the publication and especially for the supplementary registers.

A lot of valuable information and comments have been supplied by the representatives of the Ministry of Environment: Mr. Zbigniew Kamiński – the Director of the Department of Environmental Protection (DEP), Ms. Krystyna Skarbek – director of Environmental Impact Assessment Unit in the DEP and Mr. Janusz Mikula, PhD – the Director of Department of Investment and Technological (DITD), Mr. Ryszard Zakrzewski, PhD – Vice Director of the DITD and Ms. Ewa Florkiewicz – DITD. Consultations at the voivodship and powiat (local) levels with public administration bodies responsible for implementing legislation in the field of the EIA procedure provided the authors with valuable pieces of advice, which were taken into account during the preparation of the publication.

The authors would like to express their gratitude to all the people who supplied comments on the publication as well as to those who put forward questions, problems and doubts relating to the EIA procedure.

1.2. The Environmental Impact Assessment Procedure

According to Article 46 of the EPL Act conducting the EIA procedure is obligatory for proposed projects that may significantly impact the environment, if in order to carry out the project it is required to obtain one of administrative decisions specified in Article 46 (4) of the EPL Act or location indications specified in Article 46 (5) of the same Act. Such decisions are hereinafter referred to as decisions granting a permit for carrying out the project.

The EIA procedure has been specified in detail in Title I Part VI Chapter II of the EPL Act – “The environmental impact assessment procedure for proposed projects.” The procedure differs depending whether a particular project is included in the group of projects that always require the EIA report (previously referred to as “investments particularly harmful to environment and human health”) – hereinafter called group I projects or in the group of projects that may require the EIA report (previously referred to as “investments that may worsen the state of environment”) – hereinafter called group II projects. With relation to projects from the latter group the EPL Act provides for a special screening procedure.

Article 53 of the EPL Act introduces the requirement that the body responsible for carrying out the EIA procedure must ensure public participation in procedures requiring EIA report. Issues related to public participation are specified in Title I Part V of the EPL Act – “Public participation in procedures relating to environmental protection.”

The EIA procedure comprises of four stages specified below¹ and discussed in detail in the following chapters of the publication.

- **Initiating the procedure (chapter IV of the publication):**

The EIA procedure is initiated by submitting an application for issuing a decision granting a permit for carrying out a project that may impact the environment.

With relation to group I projects, for which the EIA report is always required, the EIA report should be submitted along with the application. Before submitting the application the applicant has the right to request the body issuing a particular decision to specify the scope of the report. In such an event, the applicant should attach to the request information on the proposed project specified in Article 49 (3) of the EPL Act.

With relation to group II projects, for which the requirement to prepare the EIA report must be stated by the body responsible for issuing a particular decision, basic information on the project must be attached to the application (the information required is specified in Article 49 (3) of the EPL Act).

- **Screening procedure with regard to preparing the EIA report (chapter V of the publication):**

This stage is carried out solely for group II projects. The body responsible for issuing one of the decisions granting the permit for carrying out the project decides whether it is necessary to prepare the EIA report. Prior to this the body must consult other bodies responsible for environmental protection issues as well as sanitary inspection bodies. Moreover, it must consider information supplied by the applicant, data on local environmental and social conditions and criteria relating to the characteristics of the project, emission-levels, location, type and extent of the impacts.

- **Specifying the scope of the EIA report (chapter VI of the publication):**

If the relevant body states that the EIA report is required it must also specify the scope of the report. Prior to this it must consult other bodies responsible for environmental protection as well as sanitary inspection bodies. During the scoping procedure the body should also consider the type and location of the project as well as the extent of its impact on environment.

Before submitting the application to issue the decision, the applicant planning a project from group I is entitled to request the body responsible for issuing the decision to specify the scope of the EIA report.

- **Issuing the decision (chapter VII of the publication):**

Having obtained the EIA report the body responsible for issuing a particular decision is obliged to check whether the report fulfils the requirements specified in the EPL Act and whether it constitutes the basis for issuing the decision.

¹ Moreover, the EPL Act specifies in Title I Part VI Chapter III the rules for procedure related to transboundary impact on environment. This issue is not discussed in the publication.

The body issues the decision only after examining the EIA report, comments and recommendations submitted by representatives of society as well as approvals granted by bodies responsible for environmental protection and sanitary inspection (the bodies are specified in the EPL Act).

In the event of lack of obligation to prepare the EIA report, the body issues the decision after considering information submitted along with the application (specified in Article 49 (3) of the EPL Act) and the opinions of the bodies granting the approvals.

2. The EIA procedure as a component of the investment process

2.1. The aim of the EIA procedure

The EIA procedure makes the process of issuing the decision granting the permit for carrying out a particular project a more efficient one. The applicant is obliged to supply all the necessary information on the project not only to the body responsible for issuing the decision (e.g. head of the *gmina* administration, mayor of town or of city that issues the decision on the conditions for development and land use or *starost* granting a building consent), but also to bodies granting approvals as well as to all other parties in the decision-making process, in particular to society participating in the procedure requiring the EIA report.

If the preparation of the EIA report is not required, information supplied by the applicant along with the application to issue a particular decision should constitute sufficient grounds for granting the decision.

If the preparation of the EIA report is required in a given EIA procedure, it is essential to collect, systematize and present information in a clear and comprehensible way so that all the parties taking part in the decision-making process were aware of the consequences of a given decision and available alternative solutions. The EIA report prepared within the procedure must not be of a scientific character and it should be understandable for people who are not particularly familiar with specific technical issues or who are not involved in environmental protection matters. Therefore, the requirement of including the summary of the EIA report in a non-specialist language is so crucial.

Conducting the EIA procedure should result in specifying the types and extent of project's impacts on environment. Information gathered during the procedure should constitute sufficient grounds, with relation to environmental protection, to issue the decision whether and in what way a particular project may be carried out.

Issuing the decision granting the permit for carrying out the project that may significantly impact environment requires conducting the EIA procedure, i.e. the evaluation of probable significant impacts of the project. Information supplied by the applicant, along with opinions of relevant bodies as well as of the parties to the procedure and of people that may be impacted by the project's results should be considered during the EIA procedure. Prior to issuing the final decision, the body responsible for it should obtain approval from the bodies specified in the EPL Act.

2.2. The EIA procedure as a supplementary component in the decision-making process

The EIA procedure is a supplementary component in the process of issuing the decision granting the permit for carrying out the project. Although conducting the procedure is necessary and its results must be taken into consideration it is not a sole element of the

decision-making process. Due to the procedure environmental protection issues are treated on par with social, economic and other aspects that the body issuing the decision must consider. The EIA procedure is not just the EIA report submitted by the applicant – it is a whole process in which all the interested parties may participate. The key role in the procedure is played by environmental protection bodies, the applicant and community that will feel the impact of both positive and negative outcomes of carrying out the project under the procedure. It should be added that broad public participation is considered, not only in Poland but also in other developed countries, as an essential part of the EIA procedure.

2.3. The role of the EIA procedure in the decision-making process

The role of the EIA procedure in the decision-making process is so crucial that carrying out the procedure is legally required in order to issue a particular decision. Legal provisions clearly specify types of information necessary for issuing the decision and that should be included in the documents² prepared during the procedure. Therefore, the body cannot issue the decision or an approval without examining all the documents required by the provisions. If the documents are not supplied or if their form or content do not fulfil the requirements, the applicant should be summoned to remove the deficiencies. If the applicant (investor) does not conform to the call, the application should not be considered, as it does not meet formal requirements. The new legislation on environmental protection in Poland strongly emphasizes the role of the EIA procedure in the decision-making process. According to those provisions, the decision that does not meet the EIA procedure requirements is invalid.

² The term refers to all the documents prepared and collected during the procedure, e.g. the application to issue the decision, the EIA report, etc.

3. Public participation in the EIA procedure

3.1. Aims and advantages of including public participation in the EIA procedure

The significance of social awareness of environmental protection problems in the decision-making process is becoming more and more widely recognised. Therefore, providing society with complete and precise information on a proposed project is indispensable for avoiding or minimising potential conflicts. This is why public participation is considered as a crucial part of the EIA procedure provided for in the provisions of the EPL Act.

According to Article 53 of the EPL Act, the body responsible for issuing the decision must ensure public participation in EIA procedures requiring EIA reports. Title I, Part V of the EPL Act – “Public participation in procedures relating to environmental protection” (Articles 31 to 39) regulates issues related to public participation.

Moreover, relevant provisions of the Aarhus Convention are also applied here. The Convention, having been ratified and included in the Journal of Laws of the Republic of Poland, has become, according to Article 91 of the Constitution of the Republic of Poland, a part of the Polish law and therefore, should be directly applied (Annex I includes an excerpt of those provisions of the Convention that relate to the EIA procedure).

In general terms, public participation of all the parties in a given EIA procedure, i.e. of bodies responsible for the procedure, bodies issuing opinions and approvals, applicants, different social groups and inhabitants increases their involvement in a particular local community and responsibility for public issues.

Due to public participation from the early stages of project planning each of the interested parties may examine all the possible impacts of a given project and analyse the activities that should be performed in order to minimize prospective consequences of the impacts. The above also refers to investors that more and more often acknowledge the importance of social approval for carrying out the project.

It may be stated that public participation in the decision-making process is advantageous for all the participants of the EIA procedure. First, all public administration bodies carrying out the EIA procedure may examine the expectations and attitudes of society in a more thorough way. Second, society may get familiar with the characteristics of tasks performed by the aforementioned bodies as well as with the conditions of the decision-making process. Moreover, comments and recommendations submitted by society may contribute to identifying significant environmental protection issues that otherwise might have been recognized only at a later stage of carrying out a given project.

Public participation usually increases social awareness of impacts that a particular project may have on environment. Therefore, including society in the decision-making process may contribute to more effective communication between society and administrative bodies and to achieving agreement between the two parties. Consequently, it may even contribute to creating wider social trust and approval for the decisions made by administration. If the agreement is reached and the level of awareness, especially among the local community, is

quite high, it will be easier for administrative bodies to introduce and implement, in particular at the local level, solutions that aim at environmental protection, even if they are not supported by society at the beginning (e.g. establishing a landfill or a sewage treatment facility) or if they require additional effort on the part of inhabitants (e.g. waste sorting at source or increasing charges for sewage disposal in order to modernise the system).

More and more frequently the applicants also recognize the advantages of public participation in the decision-making process. If the local community approves of a particular project, it not only improves the image and increases the credibility of the applicant but also makes it easier to carry out the project as it prevents creating rumours, suspicions or ungrounded protests against the activities conducted.

Public participation in the decision-making process may be also advantageous for the society in general. First, active participation in the EIA procedure creates opportunities to express doubts and comments and to obtain answers and explanations not only from administrative bodies but also from the applicant. Moreover, co-operation in the decision-making process gives the representatives of the community that may be negatively impacted by a given project an opportunity to ensure that their objections related to the project are taken into consideration. Thus, the applicant is obliged to conform to conditions specified in the decision not only because they are legally required but also due to the moral obligation with respect to society to limit the negative impacts of the proposed project.

Public participation in the decision-making process does not have a particularly long tradition in Poland and the experience from last years has not always been positive. This in turn, may sometimes discourage public administration bodies to take up additional efforts in order to increase participation of the Polish society in the decision-making process. Taking the above into consideration, the Ministry of Environment prepared the publication entitled "Public Participation in Environmental Impact Assessment Procedure," presenting practical solutions along with examples of conducting administrative procedures opened to society.

3.2. Who may participate in the EIA procedure with public participation?

Everyone may participate in the decision-making process requiring public participation. This especially relates to the right to have access to documents and to submit comments and recommendations. The conditions for the participation are specified in the EPL Act. The word 'everyone' means that it may be a natural person, legal person, organizational unit without legal personality or any organization, regardless of citizenship, place of stay or place of seat and whether the party has any legal or actual interest related to the case under the procedure.

The EPL Act considerably expands the group of subjects that have the right to actively participate in the administrative procedure. According to the Act, apart from parties in the procedure (e.g. applicants, owners of neighbouring real estates) and environmental organizations, which after stating their wish to participate in the procedure may do so with the rights of a party (Article 33 of the EPL Act), all the members of the society may actively participate in the procedure. However, their entitlements are less extensive than that of parties to the procedure or subjects participating with the rights of a party (e.g. they do not have the right to appeal or to file a complaint against the decision to the Chief Administrative Court).

The EPL Act does not change rights of a party in administrative procedure; it alters however, procedural rights of social organizations. The provisions of the Code of Administrative

Procedure Act of 14 July 1960 (unified text, Dz.U. 2000 No.98 item 1071), hereinafter referred to as CAP, relating to comments and recommendations are not applied to comments and recommendations submitted under the provisions of the EPL Act. The change has been introduced mainly in order to remove the obligation provided for in the CAP to answer each comment and recommendation individually. The Act provides instead for the possibility of a collective response to all the comments and recommendations submitted during a given procedure.

Provisions on public participation are not applied to projects carried out in closed sites. The Act defines the term 'closed site' as a site or, in particular cases, a built site or its part, which is accessible only to authorised people and delineated in the manner specified in the Surveying and Cartographic Act of 17 May 1989 (Dz.U. 2000 No. 100 item 1086, No. 120 item 1268), which is indispensable for the purposes of national defence or security and is managed by organizational units under the Minister of National Defence, the minister responsible for internal affairs, the minister responsible for foreign affairs or the Chief of State Security Office.

3.3. Key elements of public participation procedure in the EIA procedure

3.3.1. Preliminary information

The public participation procedure consists of the following stages:

- The body informs (notifies the public) that information on initiating the procedure has been placed in publicly accessible record and that there is a possibility to access the documents and to submit comments and recommendations;
- Interested parties become familiar with the documentation;
- Interested parties submit comments and recommendations;
- The body considers the comments and recommendations submitted;
- The body informs (notifies the public) that it has reached the decision and that interested parties have access to the decision and to information on comments and recommendations submitted and on the manner in which they were considered;
- The body may conduct an administrative trial.

Issuing the decision finalises public participation procedure. Therefore, public participation procedure finishes at the same time as the procedure for issuing a particular decision.

3.3.2. Placing the data on the application in publicly accessible records

The preliminary stage of public participation procedure is to place the data on the application in publicly accessible records. In order to do it the body has to fill in the information sheet. The form for such a sheet is specified in Annex to the Regulation of the Minister of Environment of 20 February 2001 on the form of publicly accessible records of data on documents including information on environment and its protection (Dz.U. No. 15 item 164).

Information sheet on the application for issuing one of the decisions (Form B) should contain the following information:

- Number of the sheet in sheet register;
- Subject matter of the application;
- Case symbol;
- Date of submitting the application;
- Data on the applicant (name, address/seat);
- Number and titles of annexes to the application;
- Place where the application is stored (name of the body, organizational unit, room number);
- Whether the application has been accepted or rejected (number of entry for the decision in the records);
- Restrictions on making the information from the application available;
- Numbers of other entries on the applicant in the records.

If the applicant submits the EIA report the body should fill in Form E. The Form can be found in Annex to the Regulation of the Minister of Environment of 20 February 2001 on the form of publicly accessible records of data on documents including information on environment and its protection.

Information sheet on the EIA report (Form E*) should contain the following information:

- Number of entry;
- Title of the document;
- Date of document's preparation;
- Data on the person preparing the document or commissioning the preparation of the document*;
- Place where the document is stored (name of the body, organizational unit, room number);
- Restrictions on making the information from the report available;
- Numbers of other entries in the records on the person who prepared or commissioned the report.

*) Form E is also applied for follow-up analysis.

Data on the application is placed in the records only when the procedure has been initiated, i.e. only if the application fulfils all legal requirements. Therefore, if it is required to include information on the project in the application it must be done according to provisions of Article 49 (3) of the EPL Act. If the EIA report is required it must also fulfil requirements specified in the Act. If the applicant has not submitted necessary documents or the form and content of the documents do not meet the requirements the body should, according to Article 64 (2) of the CAP, summon the applicant to eliminate the deficiency. If the applicant refuses to do it the body should not consider the application, as it does not meet formal requirements.

If the application is not considered the procedure is not initiated. Therefore, placing data on such an application in the records would not be justified.

The body is obliged to check whether the application and the documents attached to it fulfil only formal requirements. It would be impossible for the body to check the substantial content of the application prior to initiating the procedure as in some cases the requirements on the content of the documentation are quite complex, e.g. in the case of the EIA report or applications for issuing the decision on projects that may significantly impact the environment. Therefore, it is possible that the body may identify some differences between the content of documents submitted and relevant legal requirements only after initiating the procedure. In such an event, according to Article 7 and Article 77 of CAP, should call the applicant to eliminate the deficiency (pursuant to Article 64 (2) of the CAP).

The EIA procedure is finalised by issuing the decision. During the procedure, however, the relevant body may also issue a number of interim decisions, e.g. on the obligation to prepare the EIA report or on the scope of the report. According to the EPL Act, data on interim decisions (specified in Article 51 (2)) and decisions (specified in 46 (4)) issued during the EIA procedure should be placed in publicly accessible records. Data that should be placed in the records is specified in Form C included in Annex to the Regulation of the Minister of Environment of 20 February 2001 on the form of publicly accessible records of data on documents including information on environment and its protection.

Information sheet for decisions and interim decisions (Form C) should contain the following information:

- Number of entry;
- Subject matter of the decision/interim decision;
- Case symbol;
- Date of issuing;
- Name of the body that issued the decision/interim decision;
- Name of the subject to whom the decision/interim decision relates to;
- Entry number of the application to which the decision/interim decision relates to;
- Place where the decision/interim decision is stored (name of the body, organizational unit, room number);
- Statement whether the decision/interim decision is final;
- Restrictions on making the information from the decision/interim decision available;
- Numbers of other entries in the records on the subject to whom the decision/interim decision relates to.

The documents on which data is placed in the records are provided under special procedure, i.e. on the day on which they are requested and free of charge for search of information. This means that the documents may be accessed on the same day in the place where they are stored. The body, however, is not obliged to provide copies of the documents on the same day.

3.3.3. Notification of the public

Notifying the public is one of the most significant elements of the public participation procedure. It differentiates public participation from the procedure of submitting complaints and recommendations specified in Part VIII of the CAP. Notification of the public is a stage in not only public participation procedure but also in other procedures provided for in the EPL Act. Therefore Article 3 (19) provides the definition of the notification of the public and specifies detailed requirements relating to the issue.

According to Article 32, the body informs society about initiating and finalising the procedure by notifying the public about placing in publicly accessible records data on the application to issue the decision and on the decision issued. In the public participation procedure the body is obliged to notify the public about:

- Placing in publicly accessible records data on the application to issue the decision and on the EIA report attached to the application, if the report is required (therefore, for group I projects);
- Placing in publicly accessible records data on the EIA report, if it is not required to submit the report along with the application (therefore, for group II projects);
- The possibility, place and deadline for submitting comments and recommendations;
- Conducting administrative trial open to the public;
- Placing in publicly accessible records data on the decision.

3.3.4. Manners of notifying the public

According to Article 3 (19) of the EPL Act, the body may notify the public in the following ways:

- Provision in a customary manner at the seat of the body responsible for the procedure;
- Bill-posting in the vicinity of the proposed project;

Moreover, if the seat of the body responsible for the procedure is located in a municipality other than the municipality that is relevant in terms of location given the subject of notification, the public may be notified by:

- Publication in the local press, or
- In a customary manner, in locality or localities which are relevant given the subject of the notification.

According to the EPL Act, the body may choose the way in which it wants to provide the information; it has to be done, however, in a customary manner. Provision of information in the vicinity of the project should also be done in a customary manner. Information may be placed at the house of *sołtys* (head of community), on information board, on the doors of the church, on a tree near the project site, by the side of a nearby street or in a shop. There should be at least a few notices placed in different locations and the body responsible for the procedure and for fulfilling all the requirements should ensure that the public has been notified. If the seat of the body is in a different municipality the body must announce the information in the press or, in a customary manner, in locality or localities in which the project is carried out.

Provisions on notifying the public apply to cases in which the EPL Act requires public participation procedure. In such events the EPL Act introduces an additional requirement of placing the information on the web site of the body issuing the decision, if the body has such a web site. The requirement relates to modern ways of communication and popularises a more common usage of such methods. It is in line with the recent European Commission project of amendments to Directive 313/90 on Freedom of Access to Environmental (COM 2000/402 final – 2000/0169 COD). The project introduces the requirement to store and make information available, if possible, in electronic way.

Certain practical problems may arise with relation to this provision, e.g. when the web site is run by the municipality and not by one of its bodies. The bodies, however, represent the municipality and the web site is in reality run by the head of municipality, mayor of town or of city and therefore the obligation relates to them as well.

The body responsible for the procedure may also encounter problems with providing information near project's site. This relates mainly to projects that are implemented in large areas (e.g. when issuing a geological concession). In such events information should be placed not only in the offices of municipalities where the project is implemented but also in other places that are frequently visited by people (e.g. schools, post offices, markets, roads, shops, churches). The body conducting the procedure is responsible for informing the local community. If the body responsible for the procedure does not represent local authorities, the body may request the municipality to disseminate already prepared information and to confirm that the public has been notified. If the body does not receive the confirmation, it has to notify the public by itself.

3.3.5. Interested parties get familiar with the documentation

It is by means of publicly accessible records that interested parties have access to the application to issue one of decisions granting the permit for carrying out the project (specified in Article 46 (4,5) of the EPL Act), to documents attached to the application (i.e. in particular to the EIA report) as well as to the decision issued, comments and recommendations supplied during the procedure and to information on how they were considered. This means that interested parties should have access to the documents on the same day and free of charge for search of information.

3.3.6. Submitting comments and recommendations

According to Article 32 (1) (1) of the EPL Act, comments and recommendations must be submitted within the period of twenty-one days. This provision should be, however, considered with relation to relevant provisions of the Code of Administrative Procedure. Therefore, it should be assumed that the provision refers to calendar days. If, however, the last day of the period is free of work the deadline should be on the nearest working day. The period starts on the next day from the day of notifying the public in the last way required by the Act. If, therefore, the information was placed on the information board at the seat of the body and at the body's web site on the next day from initiating the procedure and it was published in the press three days from initiating the procedure the twenty-one-day period is counted from the next day from the last of the activities (i.e. from publishing information in the press).

The situation of environmental organizations is, however, different. The twenty-one-day period applies to submitting comments and recommendations but not to stating the wish for participating in the procedure with the rights of a party. Neither the EPL Act, nor the CAP specify the period within which an organization must state such a wish, it must be, however, prior to issuing the decision.

Moreover, if the organization obtained the rights of a party in the procedure it may participate in any stage of the procedure, therefore, it may e.g. submit recommendations.

3.3.7. Administrative trial

According to Article 32 (1) (2) of the EPL Act, the body responsible for issuing the decision may conduct an administrative trial open to the public. The word “may” does not refer to the administrative trial itself but whether it should be open to the public.

According to the provisions of Part II Chapter V of the CAP, the body should conduct an administrative trial if:

- It speeds up and simplifies the procedure,
- It ensures that educational objectives are reached,
- It is required by law,
- It is necessary to reach the agreement between different parties,
- It is necessary to consider the case with the participation of witnesses, experts or to submit it to an examination.

Such circumstances are quite frequent for the majority of procedures requiring the EIA report.

Provisions of the CAP are crucial for public participation in administrative procedure as they enable active participation not only of parties in the procedure and social organizations but also of other subjects. According to Article 90 (2,3) of the CAP, not only parties to the procedure should participate in the administrative trial, but also state and local organizational units, social organizations, witnesses, experts and other subjects, if their participation is justified. All the aforementioned subjects should obtain a written summon stating the date, place and subject matter of the trial. If it is likely that apart from the parties summoned there exist other subjects that are not known to the body and that should be informed about the trial, the body should make public the information on the date, place and subject matter of the trial either by means of announcements or in a customary manner in a particular locality.

Article 32 (2) (2) of the EPL Act provides for the openness of the trial. According to it, subjects that do not fulfil the requirements specified in Article 90 (3) of the CAP may also participate in the trial. Therefore, provisions relating to notification of the public should be applied when the body announces the date, place and subject matter of the trial.

It is the person conducting the trial who specifies its procedural rules and the scope of people that may actively participate in it other than parties in the procedure and subjects participating with the rights of a party.

The requirement to sign the protocol (specified in Article 68 (2) of the CAP) applies to all the people actively participating in the trial. Therefore, if the person conducting the trial gave the

floor to people present, those who took the floor should also sign the protocol. It is not necessary, however, that all the people who were just listening to the trial sign the protocol. On the other hand, if there are just a few people who did not take active participation in the trial, they may sign the protocol.

4. Initiating the procedure

4.1. When is the EIA procedure carried out?

The EIA procedure is carried out for two groups of projects that may significantly impact the environment, i.e. for:

- Proposed projects that always require the EIA report (Article 51 (1) (1) of the EPL Act) – referred to as group I projects;
- Proposed projects that may require the EIA report, for which the decision on the obligation to prepare the report is issued by a relevant body, after obtaining an opinion from the body responsible for environmental protection issues or a sanitary inspection body (Article 51 (1) (2) and Article 51 (2) of the EPL Act) – referred to as group II projects.

The EIA procedure is initiated when the applicant submits the application for issuing one of decisions specified in Article 46 (4) of the EPL Act or location indications specified in Article 46 (5) of the same Act. Any natural or legal person including a private enterprise or public administration body may act as an applicant. The EIA procedure constitutes a part of the procedure for issuing a particular decision and is carried out by the body responsible for issuing the decision.

According to Article 46 (4,5) of the EPL Act, the EIA procedure should be carried out prior to issuing the following decisions:

- Decision on conditions for land development and use – granted pursuant to the provisions of the Act of 7 July 1994 on Land Development and Use (Dz.U.: 1999 No. 15 item 139 with amendments);
- Decision granting a consent for construction or demolition of a built structure and decision granting a consent for changing the use of a built structure or a part of it – granted pursuant to the provisions of the Construction Law Act of 7 July 1994 (Dz.U.: 2000 No. 106 item 1126 with amendments);
- Concession for exploration of, or prospecting for, mineral deposits, extraction of minerals from their deposits, open storage of substances in the rock mass and storage of waste in underground mine headings – granted pursuant to the provisions of Geological and Mining Law of 4 February 1994 (Dz.U. No. 27 item 96; 1996 No. 106 item 496 with amendments);
- Water-law permit for:
 - a) execution of water facilities,
 - b) abstraction of groundwater,
 - c) agricultural use of waste water,granted pursuant to the provisions of the Water Law Act of 18 July 2001 (Dz.U. 2001, No. 115 item 1229);
- 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, constructing 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, wintering areas, fish passes and sites of mass migration of fish and other aquatic organisms – granted pursuant to the provisions of the Act on Nature Conservation of 16 October 1991 (Dz.U. No. 114 item 492 with amendments);

- Decision granting authorization for a project of restructuring of rural land holdings – granted pursuant to the provisions of the Act on Restructuring of Rural Land Holdings of 26 March 1982 (Dz.U. 1989 No. 58 item 349 with amendments);
- Decision on changing a forest into agricultural land – granted pursuant to the provisions of the Forest Act of 28 September 1991 (Dz.U. 2000 No. 56 item 679 with amendments);
- Decision granting authorization for the location of a motorway – granted pursuant to the provisions of the Act on Toll Motorways of 27 October 1994 (Dz.U. No. 127 item 627 with amendments), if such a decision applies to sections which were defined in location indications as crucial in the light of environmental protection requirements or possibility of public conflicts;
- Decision granting location indications for a motorway – pursuant to the provisions of the Act on Toll Motorways.

According to Article 32(1)(1) of the EPL Act, when initiating the procedure, the public administration body includes data on the application for issuing the decision in publicly accessible records.

Administrative bodies are obliged to provide environmental information held by them for all the interested parties. Therefore, they must also provide information on the application that may include data that the applicant does not want to make public. According to Article 20(2)(2) of the EPL Act, if providing commercially valuable data, including technological data, might deteriorate the applicant's competitive position the applicant may submit an application to the body carrying out the procedure to exempt part of information from the materials that are made publicly accessible. It should be clearly stated in the application in what way providing the information could deteriorate applicant's competitive position. This exception, however, does not relate to information on emissions to environment, i.e. on the quantity, type and place of discharging particulate matter and gases to air; sewage to water or soil, on waste produced, on noise level or the level of electromagnetic fields (Article 20 (3) of the EPL Act).

If the body decides that the application is well justified, it is obliged to adhere to the request. If the body, however, refuses the request, the refusal to exempt information from the obligation of provision should be issued as an interim decision as it is a part of the EIA procedure.

4.2. Initiating the EIA procedure for group I projects

For group I projects, which always require the EIA report, the procedure is initiated by submitting an application for issuing one of the decisions granting the permit for carrying out the project (specified in Article 46 (4, 5) of the EPL Act). According to Article 50 (1) of the EPL Act, the EIA report should be attached to the application.

Submitting the application without the report violates the requirements specified in Article 50 (1) of the EPL Act, in relation to Article 63 (2) of the CAP. According to Article 64 (2) of the CAP, in such an event, the body is required to summon the applicant to eliminate the deficiency, i.e. to submit the report within the period of seven days from the day of receiving the call. If the applicant fails to submit the EIA report the body should refuse to consider the application.

If the applicant considers the project to be a group II project, when in fact it is a group I project, and therefore submits the application without the EIA report, the body responsible for issuing the decision should call the applicant to eliminate the deficiency in the manner specified by the CAP. In such an event the procedure is not initiated until the applicant submits the proper application with the report.

Thus, the body may initiate the procedure only when the applicant submits the EIA report. According to Article 49 (1) of the EPL Act, the applicant may ask the relevant body to issue an interim decision on the scope of the EIA report. This should be done prior to initiating the procedure for issuing the decision. This kind of procedure is called a “preliminary procedure” and is finalised when the body issues an interim decision defining the scope of the report. Data on this interim decision should be placed in publicly accessible records; however, the body is not obliged to notify the public about it, as the EIA procedure is initiated only when the application with the EIA report is submitted.

4.3. Initiating the EIA procedure for group II projects

For group II projects, which may require the EIA report, the body responsible for issuing the decision initiates the procedure after receiving an application for issuing one of decisions specified in Article 46 (4) (1,2,3,4,5,6,7) of the EPL Act. Paragraph 4 (8) and Paragraph 5 refer to decisions on motorways, i.e. to group I projects, which always require the EIA report. For such projects the EIA procedure is initiated only after submitting the application with the report.

Public participation procedure, which is a part of the EIA procedure, is conducted only in those cases that require the EIA report. Initiating public participation procedure and making information on the procedure public take place only after obtaining the report. If the report is not required the public is not notified about conducting the procedure. Information on issuing the decision on the lack of obligation to prepare the report should be, however, promptly placed in publicly accessible records.

According to Article 49 (3) of the EPL Act, application for granting the permit for carrying out the project must contain the following information on the proposed project:

- 1) Type, size and location of the project;
- 2) Area of the land occupied and that of the built structure as well as their previous uses and vegetation cover;
- 3) Type of technology used;
- 4) Possible alternative solutions of the project;
- 5) Quantity of water and other resources, materials, fuels and energy expected to be used;
- 6) Environmental protection measures;
- 7) Types and expected amounts of pollutants or energy emitted into environment when applying environmental protection measures.

According to Article 63 (2) of the CAP, at least applicant's name and address should be included in the application. Moreover, though such an obligation is not specified in the provisions, it is suggested to specify in the application the name and the ways of contacting the person that handles the case and is responsible for providing additional information. This will make the procedure more efficient.

If the applicant submits the EIA report with the application for issuing a decision on a group II project the body responsible for issuing the decision should carry out standard screening and scoping procedures. Prior to issuing the decision the body should obtain necessary opinions. If the body decides that the EIA report is required and if the scope of the report previously submitted is sufficient the body may accept the report and submit it for the evaluation procedure. If the body decides that preparing the report is not necessary then the report submitted should be treated as information on the project (specified in Article 49 (3) of the EPL Act).

5. The screening stage

5.1. The screening stage – general information

The measure of screening the project in order to prepare the EIA report is a new one in Polish legal system. It was introduced by the Act of 9 November 2000 on Access to Information on the Environment and Its Protection and on Environmental Impact Assessment (Dz.U. No. 109 item 1157) and upheld by the Environmental Protection Law Act of 27 April 2001, which, on 1 October 2001, replaced the Act of 9 November 2000. This measure has been transposed from the Council Directive 85/337/EEC on Assessment of Certain Public and Private Projects on the Environment.

The screening stage is carried out for group II projects, which may require the EIA report. These projects are referred to in Article 51 (1) (2) of the EPL Act.

The screening stage is carried out in order to specify whether a given project requires the EIA report. It constitutes the first formal stage of the EIA procedure.

Detailed research should be avoided at this stage. A number of factors that may influence the decision whether the report is necessary should be, however, considered to a certain degree.

5.2. Rules for the screening stage

According to Article 51 (8) of the EPL Act, The Council of Ministers is authorized to prepare, on the basis of Annexes to the Council Directive 85/337/EEC and of Polish experience in the field of carrying out environmental impact assessment, the Regulation specifying the types of projects that may significantly impact the environment and detailed criteria for screening projects with relation to preparing environmental impact report. The Regulation should specify:

- The types of projects that may significantly impact environment, which always require the EIA report – group I projects;
- The types of projects that may require the environmental impact report – group II projects;
- Detailed screening criteria for projects that may significantly impact the environment.

According to Article 4 (2,3) of the Act of 27 July 2001 on Introducing Environmental Protection Law Act, Waste Disposal Act and on Amending Other Acts (Dz.U. 2001 No. 100 item 1085), the regulation of 14 July 1998 issued by the Minister of Environmental Protection, Natural Resources and Forestry on specifying types of investments that are particularly harmful to environment and human health or that may worsen the state of environment and specifying requirements on environmental impact assessment (Dz.U. 1998 No. 93 item 590) is binding until the Council of Ministers issues the regulation specifying projects that may significantly impact the environment. Group I projects include investments that are particularly harmful to environment and human health and group II projects include investments that may worsen the state of environment.

The obligation to prepare the report with regard to group I projects should be considered literally. Thus, if a project is included in the register, it is required to prepare the EIA report

for the project and to attach it to the application, whereas submitting the report is a condition of initiating the procedure.

Other projects, which were not included in group I, may be included in group II and they may require the EIA report. According to Article 51 (3) a relevant body issues an interim decision whether a project that is included in group II requires preparing the EIA report. When issuing the interim decision the authority should consult the bodies competent to express their opinion, take into account knowledge on local environmental conditions and apply the criteria specified in the aforementioned Regulation.

According to Article 51 (3) of the EPL Act, a *starost* is usually the body competent to express its opinion on the requirement to prepare the EIA report. According to Article 57 (1), in the case of a decision on conditions for land development and use or a building consent, a *powiat* sanitary inspector should be also consulted.

The screening stage for a group II project requires issuing an interim decision on the obligation of preparing the EIA report for the project. It should be noted that the interim decision is issued also when the report is not required. The body issuing the decision is responsible for the screening stage. Before issuing the interim decision it must, however, consult the body specified in the EPL Act (Article 51 (2,3)).

There are two basic terms in the screening procedure. The first one is “may” and the second one is “to significantly impact”. It is not necessary to prove that the project will impact the environment. At this stage it is enough if the body is of an opinion that the project may significantly impact the environment at a given place. A significant impact is such an impact that, either alone or together with other impacts, is significant enough to be considered by a relevant body when issuing a decision on, and specifying conditions for, carrying out the project.

When deciding whether a particular impact is significant enough to require a detailed EIA report, the following issues should be considered:

- General criteria specified in Article 51 (8) (2) of the EPL Act and detailed criteria described in the Council of Ministers Regulation specifying the types of projects that may significantly impact the environment and detailed criteria for screening projects with relation to preparing environmental impact assessment report;
- Opinions issued by relevant bodies;
- Whether carrying out the project depends on establishing a restricted use area (Article 51 (7) of the EPL Act);
- Whether the requirements of the Aarhus Convention in the field of public participation in the EIA procedure have been fulfilled;
- Whether there is a possibility of transboundary impact.

It is suggested to consider the priorities of the local environmental policy, though this is not directly required by the provisions. It is also possible to use the outcomes of EIA procedures that have been already carried out for similar projects.

The interim decision stating whether a particular project that may significantly impact the environment requires the EIA report, should be included in the publicly accessible records. This means that data on the interim decision should be placed in the records. According to

Article 51 (5) of the EPL Act, a party in the procedure may file a complaint against the decision.

5.3. Guidelines for the screening stage

5.3.1. Step 1: Verifying provided information

Step 1 aims at verifying whether information provided by the applicant is sufficient to issue the interim decision on the obligation to prepare the EIA report. The applicant is obliged to annex to the application information specified in Article 49 (3) of the EPL Act.

The body should verify the information in order to decide whether it is sufficiently detailed. According to Article 64 (2) of the CAP, if the data is insufficient the applicant should be called to supply the missing information within seven days.

5.3.2. Step 2: Checking obligatory registers of projects and exemptions

Step 2 is formal and assumes checking whether a given project is included in group I, i.e. whether it is placed in the register included in the Council of Ministers Regulation on specifying the types of projects that may significantly impact the environment and detailed criteria for screening the project with relation to preparing environmental impact assessment report. If a particular project falls within any of the categories specified in the register the EIA report is obligatory and the applicant should either once more submit the application with the report attached, or ask for specifying the scope of the report within the preliminary procedure.

According to Article 51 (6) of the EPL Act, if it had been decided prior to granting the decision on the conditions for land development and use that the EIA report is necessary, the report should be also prepared with regard to granting the building consent for the same project. If however, the decision on the conditions for land development and use has not been issued for a given project and the applicant applies for a building consent, then the screening stage is carried out by the body responsible for granting the building consent.

According to Article 51 (7) of the EPL Act, the EIA report is required for group II projects, if project's carrying out depends on designation of a restricted use area. Such a provision is necessary due to the possibility, introduced by the EPL Act, to designate a restricted use area at the stage of project's implementation, if the necessity to designate such an area results among other things from the EIA procedure (Article 135 (1) of the EPL Act). The obligation to prepare the EIA report with relation to the aforementioned situation regards only the following investments: sewage treatment facilities, municipal waste landfills, composting plants, transport routes, airports, power lines and stations, as well as radio-communication, radio-navigation or radiolocation installations. The restricted use area is designated for those projects, only if despite utilizing all available technical, technological and organizational solutions environmental quality standards are not met at the area outside the plant or another site. Obviously, it does not mean that for all the aforementioned investments the EIA report is always required (if it were the case it would be enough to include the investments in group I). It rather means that if information attached to the application (required under Article 50 (2)) indicates that there exist circumstances specified in Article 135 (1) justifying the necessity to establish a restricted use area, the body is obliged to issue the decision on the obligation to prepare the EIA report.

Moreover, it is crucial to consider the provisions of the Aarhus Convention that specify the types of projects requiring public participation procedure (Annex I to this publication includes an excerpt from the Aarhus Convention). Those types of projects also require the EIA report as, according to the provisions of the EPL Act, public participation procedure is carried out only for those projects for which the EIA report is prepared.

According to Article 46 (7) (1,2) of the EPL Act, in some cases it is possible to avoid carrying out the EIA procedure twice with regard to the same project. The procedure is not conducted for granting a building consent (Article 46 (4) (2)), if, prior to this a water-law permit or a decision specifying conditions for carrying out earthworks that change water regime have been granted (Article 46 (4) (4,5) of the EPL Act) for the same project and if the EIA procedure had been carried out before issuing the decisions. The procedure is also withheld in the case of granting the water-law permit (Article 46 (4) (4) of the EPL Act), if prior to this, the decision specifying conditions for carrying out earthworks that change water regime has been granted for the same project (Article 46 (4) (4,5)) and if the EIA procedure had been conducted before issuing the decision. Consequently, according to Article 46 (8), if issuing the decision on the conditions for land development and use requires the EIA report, then the report is also obligatory at the stage of granting the water-law permit or the decision specifying conditions for carrying out earthworks. If at the first stage the report is not required, then it is not required at the second stage as well. If the decision on the conditions for land development and use has not been issued, the body carrying out the procedure should decide on the obligation to prepare the report.

5.3.3. Step 3: Checking the register of projects that may require the EIA report

The register of projects that may require the EIA report should be checked for group II projects. The register is included in the Council of Ministers Regulation on specifying the types of projects that may significantly impact the environment and on detailed criteria for screening the project with relation to preparing environmental impact report. If an applicant applies for issuing a building consent for a group II project and the decision on conditions for development and land use has not yet been issued for the project, the screening stage is carried out by the body responsible for granting the building consent (Article 48 (1) of the EPL Act).

The body responsible for issuing one of the decisions must decide individually for each project from the register whether the EIA report is required. When issuing the decision on the obligation to prepare the EIA report the body should consider general criteria specified in Article 51 (8) (2) of the EPL Act as well as detailed criteria included in the aforementioned Regulation.

5.3.4. Step 4: Using supplementary registers in the screening process

If applying the detailed criteria specified in the Regulation is not sufficient to decide whether the EIA report should be prepared for a given project, the next step is to evaluate characteristic traits of the project, environmental conditions of the area surrounding it, types of probable impacts as well as other factors that may have influence on the decision regarding the obligation to prepare the EIA report. Supplementary register No. 1, included in Annex II, will help in identifying project's potential impacts. Conducting specialized analyses is not necessary in order to answer the questions included in the register, as existing information and

data supplied by the applicant should be sufficient. When filling in the register, the relevant body may discuss some of the issues included in it with the applicant, or it may ask the applicant to fill it in. Answering certain questions may prove to be impossible, whilst other answers may appear to be quite obvious. Lack of information that makes it impossible to provide certain answers should be also considered when deciding whether the project requires the EIA report.

Supplementary register No. 1 has been prepared in such a way that the questions require not only a yes/no answer, but also a brief description of a given issue and reasons justifying the answer. A filled-in register should account for the majority of significant factors. It is suggested that people evaluating the registers should verify and supplement all the registers (not only register No.1) in order to adjust them to local conditions of the areas under their supervision.

As the number and variety of projects that may be prospectively considered under the procedure is large, specific problems that have not been included in the registers attached to the publication are likely to appear. Therefore, the authors of the registers left some space for further questions regarding a particular project and its specific local conditions.

The answers and brief comments to them constitute a useful record of issues considered when issuing the interim decision on the requirement to prepare the EIA report. At the same time the record provides the justification for the interim decision issued. The justification should be placed in the archives.

If the EIA report is required, registers may prove to be useful at a later stage, as the basis to specify the scope of the report.

5.3.5. Step 5: Consultations

According to Article 51 (3) and Article 378 (1) of the EPL Act, in the majority of cases a *starost* is competent to issue opinions on the requirement to prepare the EIA report. Additionally, if the procedure regards granting the decision on conditions for land development and use or the building consent, a local sanitary inspector should issue an opinion.

According to Article 57 (2) of the EPL Act, if the procedure relates to granting location indications for a motorway, the minister responsible for environmental protection and the Chief Sanitary Inspector should issue opinions. Consultations are usually obligatory except for cases in which the body responsible for the procedure is at the same time the body competent to issue an opinion or an approval (Article 383 of the EPL Act), e.g. if a building consent or a water-law permit is granted by a *starost*.

According to Article 51 (4) of the EPL Act, the body responsible for granting the decision should submit to a relevant body an application to issue an opinion. Required documents and data on the project should be annexed to the application.

Moreover, according to Article 396 (4) of the EPL Act, if the case is particularly difficult or unusual, the *starost* may apply to the voivode to ask the Voivodship Environmental Impact Assessment Commission to issue an opinion. The EPL Act does not specify the procedure of issuing opinions by relevant bodies. However, general rules defined in Article 106 of the CAP

apply here. Therefore, the decision should be granted only when the relevant body issues the opinion, if by law the decision depends on the body's position (e.g. its opinion). The opinion is issued in the form of an interim decision and the party may lodge a complaint against it.

Opinions, unlike approvals, are not binding. The body responsible for issuing the decision is obliged to ask for the opinion, however, final decision is made by the body. Therefore, even if the *starost* and the local sanitary inspector state that the EIA report is not required, the municipal body may still decide that it is necessary. Theoretically, the body may decide that the report is not required, contrary to opinions issued by the *starost* and the local sanitary inspector. In such a situation, however, the body and the applicant risk that the *starost* or the local sanitary inspector will not grant the approval for the decision stating that they lack sufficient information on the project as the EIA report has not been prepared.

Additional consultations

In the event of especially complex cases the body responsible for issuing the interim decision on the obligation to prepare the EIA report, apart from consulting bodies specified in the Act, may also ask other institutions and organizations that are more experienced or possess specialized knowledge in the field to express their opinions. Asking for additional consultations depends solely on the body carrying out the procedure and on whether the body needs more information on the type and scope of the project as well as on local environmental and social conditions.

5.3.6. Step 6: The interim decision on the obligation to prepare the EIA report

During the last step of the screening procedure the body issues the interim decision on the obligation to prepare the EIA report along with its justification and informs the applicant and other parties in the procedure about the decision reached.

If the EIA report is required the relevant body should specify its scope in the same interim decision. Data on the decision should be placed in publicly accessible records (Article 19 (2) (5) of the EPL Act). According to Article 51 (5) of the EPL Act, the applicant can file a complaint against the interim decision.

If the body states that the EIA report is not required, it issues the decision on the project on the basis of the application and the information attached that were previously considered during the screening stage. The procedure for issuing the decision is discussed in chapter 7 of the publication.

6. The scoping stage

6.1. The scoping stage – general information

The possibility to specify the scope of the EIA report for a particular project (Article 49 (1) and Article 51 (2) of the EPL Act) has been recently introduced to the Polish legal system. When specifying the scope of the report, the body should consider requirements defined in Article 52 (1,2,6) of the EPL Act. The extent to which the requirements should be fulfilled depends on project's type and location, as well as on its impact on the environment.

According to Article 52 (8) of the EPL Act, the Minister of Environment should specify in a separate Regulation the scope of the EIA report for motorways and expressways.

According to Article 52 (1) of the EPL Act, the EIA report should contain:

- 1) Project's description, especially data specifying:
 - a) Project's characteristics and conditions for land use during construction and operation stages,
 - b) Main features of production processes,
 - c) Anticipated types and amounts of emissions that may be caused by project's operation;
- 2) Description of environmental components that project's operation may impact;
- 3) Description of analysed alternative solutions, including solution:
 - a) Assuming that the project will not be carried out,
 - b) That would be the most advantageous for the environment,... along with justification for choosing each of those solutions;
- 4) Description of probable impacts that alternative solutions may have on the environment, including the possibility of a significant industrial emergency and of transboundary impact on environment;
- 5) Justification for the alternative chosen by the applicant, including information on its impact on environment, especially on people, fauna, flora, soil, water, air, climate, material assets, cultural heritage, landscape and on relationship between those elements;
- 6) Description of project's potentially significant impacts on environment, including direct, indirect, secondary, accumulated, long term, medium term, short term, permanent and temporary impacts resulting from:
 - a) Project's operation,
 - b) Use of natural resources,
 - c) Emissions,... as well as description of impact prediction methods used by the applicant;
- 7) Description of activities suggested that would prevent, diminish or compensate for the negative impacts on environment;
- 8) Comparison of suggested technological solutions with solutions fulfilling the requirements of Article 143 of the EPL Act, if the project requires using installations for which an integrated permit is not required;
- 9) Indication whether it is necessary to establish a restricted use area as well as specification of its borders, the restrictions in the use of such an area and technical

- requirements related to construction and exploitation of built sites;
- 10) Presentation of issues in graphic form;
 - 11) Analysis of probable social conflicts related to the project;
 - 12) Proposal for impact monitoring during construction and operation stages of the project;
 - 13) Indication of difficulties that were encountered during preparation of the report and that resulted from technical deficiencies or insufficient knowledge;
 - 14) Report's summary in a non-specialist language;
 - 15) Name of the person(s) preparing the report;
 - 16) Sources of information that were used to prepare the report.

According to Article 52 (2) of the EPL Act, if the project includes installation that requires an integrated permit, its EIA report should contain a comparison of the technique proposed with the best technique available.

According to Article 52 (3) of the EPL Act, the EIA report should analyse the project's impact during implementation, operation and liquidation stages of the project.

The possibility to specify the scope of the report does not entitle the body to disregard any of the requirements defined by the EPL Act. Such a situation would be contrary to the requirements of the 85/337/EEC Directive. One of the basic aims of preparing the report is to present the body granting the decision, bodies issuing opinions and approvals, parties in the procedure and society with a comprehensive record of project's potential impacts on the environment. Thus, all the points included in Article 52 of the EPL Act should be taken into account. It does not mean, however, that the applicant must analyse in detail issues that are of minor importance to the procedure. The body responsible for scoping should specify the extent to which particular components should be analysed. It may also specify methods for conducting the analysis or alternative solutions that should be considered. This allows for submitting an EIA report that describes some of the issues briefly and generally.

According to Article 49 (1) of the EPL Act, if the project is included in group I the applicant may apply to the relevant body to specify the scope of the EIA report, prior to applying for granting one of the decisions. The scope of the report is specified in a preliminary procedure that is finalized by issuing an interim decision, which means that the body specifies the scope before formally initiating the proper EIA procedure.

In the case of group II projects, relevant body should specify whether the report is required and define its scope within the same interim decision. The most significant environmental issues should be identified for such projects during the screening stage and the scoping procedure is in a way the extension of the screening stage.

If decisions granting a building consent, a permit for deconstruction of a built site or a permit for changing the use of a built site were not preceded by issuing a decision on conditions for land development and use the scoping stage is carried out in the same way as for other decisions.

The EPL Act does not provide for a separate scoping stage before granting a building consent, a permit for deconstruction of a built site or a permit for changing the use of a built site. The scope of the report should be the same at this stage as at the stage of issuing the decision on

conditions for land development and use for the same project. The report, however, should also meet the requirements specified in Article 52 (4) of the EPL Act.

The same applies to cases specified in Article 46 (7), which allows to avoid repeating the EIA procedure at the stage of granting a building consent or a water-law permit if it has been preceded by issuing respectively a water-law permit or a decision specifying the conditions for the execution of works for the same project. Therefore, according to Article 46 (8), if for a given project the procedure on granting the water-law permit or the decision specifying the conditions for the execution of works have been preceded by the decision on conditions for land development and use, the interim decision on the requirement to prepare the EIA report and on its prospective scope is binding during the next stage (Article 51 (6)). In such cases it is necessary to prepare the EIA report (of course only if the report is required) that fulfils the requirements for the EIA report prepared at the stage of granting a building consent (i.e. the report should be in line with Article 52 (4,5)).

According to Article 52 (4), the EIA report prepared during the procedure of granting a building consent, should meet the following requirements:

- 1) It should contain information required for each EIA report, as detailed as data included in the construction project, and other information obtained after issuing the decision on the conditions for land development and use and the decision granting authorization for the location of the motorway,
- 2) It should state the extent and the way of fulfilling environmental protection requirements that are specified by the decision on conditions for land development and use and by other administrative decisions related to environmental protection.

6.2 Advantages of conducting the scoping stage

The aim of the scoping stage is to identify issues that should be covered in the EIA report. If the supplementary register of impacts was used during the screening stage for a particular project, the information obtained by filling in the register may be also used during the scoping stage.

During the scoping stage the body has to consider those impacts that should be included in the report, especially the most significant ones, as well as alternative solutions, including those solutions that limit the negative impacts. Identification of the above issues leads to specifying the scope of environmental information that should be included in the EIA report submitted to the body responsible for issuing the decision.

Also the applicant may make use of the scoping stage before preparing the report, especially when considering:

- Schedule for report preparation and specialized knowledge that is required to prepare the report;
- Analysis of the existing state and research that should be conducted;
- Methods for evaluating and predicting the extent of environmental impacts;
- Criteria for evaluating the significance of particular impacts;
- Consultations that should be conducted.

The scope of the report should be specified in such a manner that would facilitate a quick response to new issues and new information that may appear during report's preparation. Issues that have been previously disregarded may prove to be significant during the analyses. The applicant may, for example, introduce changes in the proposed project and consequently the analysis of alternative solutions and additional impacts may be necessary. New technologies and operational procedures may be discovered, allowing to further limit the impact.

Experience gained during EIA procedures conducted for similar projects may be used during the scoping stage, e.g. the body may look through existing reports as well as conditions and justifications for the decisions reached.

The scoping stage of the EIA procedure has other advantages.

- It helps to ensure that environmental information used during the decision-making process gives a full record of all the impacts of the project, including the issues that may be of special concern to the groups affected by the project and other parties involved.
- At the same time, it helps to ensure that the attention is drawn to issues significant for granting the decision and allows to avoid collecting unnecessary information and to prevent unproductive resource use.
- Due to prior division of activities connected with gathering environmental information, the scoping stage may also make the process of report preparation a more effective and efficient one.
- The applicant may be persuaded to consider alternative solutions and methods that have been identified during the scoping stage and that allow for limiting the project's impact.

As in the case of the screening stage, also during the scoping procedure, it is sometimes recommended to conduct additional consultations with institutions and people that are not parties in the procedure, e.g. other administrative bodies, interest groups, local communities that the project may impact. Their participation at the early stage of the procedure allows the body to identify causes for probable concerns or protests related to project's implementation and to include them in the scope of the EIA report. This may make the decision and the decision-making process more acceptable and credible for the society and may lower the risk that subsequent conflicts will cause delays and additional costs. Such consultations are not required by the EPL Act, however, they may prove to be highly advantageous especially with relation to projects that are controversial among local communities, e.g. waste management plants, sewage treatment facilities, installations emitting electromagnetic fields.

6.3. Guidelines for the scoping stage

6.3.1. Step 1: Identification of potential impacts

The first step of the scoping stage is to identify project's potential impacts on environment. This is accomplished by analysing the relation between the project and environment during project's implementation, operation and liquidation stages. Moreover, the analysis should relate to legal requirements that must be fulfilled by the EIA report.

According to Article 47 of the EPL Act, the following types of impacts on environment should be specified:

- 1) Direct and indirect impact on:
 - a) Environment, human health, and human life quality,
 - b) Material assets,
 - c) Cultural heritage,
 - d) Interaction between the factors described in a)- c),
 - e) Access to mineral deposits,
- 2) Possibilities and ways of preventing and reducing negative impact on the environment,
- 3) Required scope of monitoring.

It is particularly suggested to prepare a register of potential impacts. It is possible to use once more supplementary register No.1, included in Annex 2, which has been previously used during the screening stage. The supplementary register may also help to identify all project's components that may impact the environment.

The first step of the scoping stage is aimed at identifying all potential impacts that the project may have on the environment. Systematic approach may make it possible to identify all the less obvious impacts (indirect and secondary impacts connected with project's operation but not related to it directly as well as impacts related to short term activities during project's implementation and liquidation stages).

In order to finalize this step the body may need additional information on the project and the existing state of the environment. Information gathered during the screening stage may, however, prove to be sufficient. Furthermore, it may be helpful to:

- Inspect project's site,
- Consult experts and applicant's representatives,
- Review other projects of a similar type or other investments located within the same area, and to visit the sites of such projects or investments.

According to Article 52 (1) (6) of the EPL Act, the EIA report should describe all potential significant impacts (including direct, indirect, secondary, accumulated, long term, medium term, short term, permanent and temporary impacts) resulting from project's implementation, from use of natural resources and from pollution emissions.

Therefore, the scoping procedure should also account for further investments that will be carried out due to project's operation. For example, construction of a sports ground, fun fair, airport or a shopping centre may later require construction of new roads, filling stations, sewage treatment facilities, hotels, etc. The EIA report of the basic project should include environmental impacts of subsequent investments. The report should consider both, negative and positive impacts of the project and investments.

6.3.2. Step 2: Review of alternative solutions

According to the Environmental Protection Law Act, the EIA report must include not only the alternative solution of not carrying out the project, but also the one that would be most advantageous for the environment.

According to Article 49 (3) (4) of the Act, data on alternative solutions should be attached to the application for specifying the scope of the EIA report. The report itself should contain the description of alternative solutions. According to Article 52 (1) (5) of the EPL Act, the report should also contain justification for selecting the alternative chosen by the applicant and describe its impact on the environment, especially on: people, flora, fauna, soil, water, air, climate, material assets, cultural heritage, landscape, as well as analyse the relations between the above mentioned factors.

Therefore, it is essential to review all the alternative solutions included in the application and to identify other solutions that can reduce project's impact and that according to the body responsible for the procedure should be analysed in the EIA report.

It is assumed that the applicant is responsible for proposing alternative solutions. Therefore, in the case of some types of private investments, the number of alternatives may be quite limited, whilst in the case of the majority of public investments, the proposed alternatives may be quite numerous (e.g. different locations of a road).

It is worth noting that alternative solutions may range from altering the main technology employed or even the type of activities within the project to changing a particular part of the project, e.g. technologies used for reducing emissions, use of natural resources, location of built sites within the area, schedule or technologies for project implementation, the manner in which resources are delivered or products transported. When specifying solutions that are to be considered, the body should take into account not only information on the project but also external conditions, such as:

- Environmental conditions (e.g. vulnerability of environmental components, possibility of negative impact on resources of high natural value, availability of environmental resources used, geotechnical conditions of the substratum);
- Social aspects (e.g. location nearby recreation grounds, sufficient technical infrastructure within project's area, social acceptance for technologies proposed);
- Priorities adopted in local and state policies (e.g. conditions for land use planning, priorities in environmental protection programmes).

Supplementary register No.2 for specifying alternative solutions, included in Annex 2, should help in identifying solutions that the body considers important and that the applicant should include in the EIA report.

6.3.3. Step 3: Consultations

The following bodies are competent to issue an opinion on the scope of the EIA report:

- A relevant voivode- with regard to group I projects, which always require the EIA report – Article 49 (5) of the EPL Act,
- A *starost*- with regard to group II projects, which may require the EIA report (as in the event of the decision on the obligation to prepare the report) – Article 51 (3) (1) and Article 378 (1) of the EPL Act.

A *powiat* (local) sanitary inspector should be consulted with regard to decisions on conditions for land development and use or building consents for group II projects (Article 51 (3) (2) of the EPL Act).

The minister responsible for environmental protection and Chief Sanitary Inspector should issue opinions on the decision granting location indications for a motorway.

The EPL Act does not specify the procedure for issuing opinions. The general rules of the CAP are, however, applied here. According to Article 106 of the CAP, if the law requires that issuing a particular decision depends on the position of a relevant body (e.g. issuing an opinion), the decision is granted only when the body specifies its position. The opinion is issued as an interim decision and the applicant may file a complaint against it. Similarly as in the screening stage opinions are not binding.

Moreover, according to Article 396 of the EPL Act, a voivode may ask the Voivodship Environmental Impact Assessment Commission to issue an opinion regarding the case that falls within the scope of the authority of the voivode. Similarly, a *starost* may submit an application to the voivode to ask the Voivodship Commission to issue an opinion regarding the case that, according to the Act, falls within the scope of authority of the *starost*.

According to Article 395 (4) of the EPL Act, a voivode may submit an application to the minister responsible for environmental protection to ask the State Environmental Impact Assessment Commission, to issue an opinion regarding the case that falls within the scope of authority of the voivode.

6.3.4. Step 4: Identifying the most significant impacts

Steps 1,2, and 3 should result in preparing a register of all potential impacts that a particular project may have on environment. The aim of step 4 is to reassure that preparation of the report is focused on gathering information necessary for granting a particular decision. The resources for preparing the report are usually quite limited; therefore, it is essential to use them in an efficient way. The most important thing is to analyse those impacts which will be the most relevant for issuing the decision, or those whose extent and significance are uncertain. It is quite common that EIA reports contain much irrelevant and useless information, which makes it difficult to use them when issuing a particular decision. This problem can be solved during the scoping stage, as this is when all the significant issues related to granting a decision should be specified.

The scoping stage should focus on the most significant impacts (i.e. on those impacts that are most important for issuing a decision). Moreover, it should draw attention to those impacts whose extent and significance are uncertain. The applicant may be, however, forced to repeatedly review assumptions behind the EIA report, so that it would be possible to consider all newly emerging issues.

6.3.5. Step 5: Interim decision on the scope of the EIA report

Steps 1,2,3 and 4 lead to defining the scope of the EIA report. The scope of the report should be specified in an interim decision. The interim decision should also include all the significant impacts that have been identified as well as alternative solutions that should be considered. Moreover, the scope of the report may also include additional requirements, e.g. impact prediction methods, deadlines for finalizing the most important stages of project planning.

The last step of the scoping stage is to issue the interim decision on the scope of the EIA report, along with its justification, and to inform the applicant and other parties in the procedure about the decision.

The EPL Act does not provide for a possibility of filing a complaint against an interim decision on the scope of the EIA report for group I projects (i.e. against interim decisions issued during the 'preliminary procedure'). Due to the fact, however, that the interim decision finalizes a particular case, it could be assumed that a complaint can be filed against it to the Chief Administrative Court. Data on interim decisions should be included in publicly accessible records.

With regard to a group II project that has undergone the screening stage (specified in Article 51 (1) (2) of the EPL Act), the body responsible for the procedure should issue one interim decision on the requirement of preparing the EIA report and on the scope of such a report. The parties may file a complaint against the interim decision.

7. Preparation of decision

7.1. The stage of preparing the decision finalising the EIA procedure

When issuing the decision requiring the EIA procedure the body responsible for it must carry out a number of activities and take into account conditions not related to environmental protection. Due to the fact that the publication is concerned only with the EIA procedure, the guidelines presented below refer only to this issue.

During the last stage of the procedure the body has to, in particular, take into account:

- The EIA report submitted by the applicant in line with legal requirements,
- Decisions of bodies issuing the approval,
- Comments and recommendations submitted by society and the results of administrative trials.

If the EIA report is not required for a particular group II project, the body, when issuing the decision, must consider **information on the proposed project submitted by the applicant, specified in Article 49 (3) of the EPL Act.**

Public participation is a significant part of the last stage of EIA procedure. The most essential issues related to public participation are discussed in chapter 3 and point 7.2.2 of the publication. It is worth noting that the requirement specified in Article 53 of the EPL Act that the body responsible for issuing the decision must ensure public participation is binding only for procedures during which the EIA report is prepared.

7.2. Guidelines for the stage of decision preparation

7.2.1. Step 1: Evaluation of the scope of the report

First, it should be checked whether the EIA report complies with the requirements of the EPL Act specified in Article 52. The report must also comply with the requirements specified in the interim decision on the scope of the report.

To evaluate the report the body may use supplementary register No.3 along with all additional registers (Annex 2). The register may help to check whether information included in the report is technically correct, sufficient and relevant to the decision-making process.

The body responsible for the procedure may provide the applicant with the register before he/she prepares the EIA report in order to specify the requirements in advance.

Supplementary register will help the body making the final assessment to check whether the report contains all the crucial information necessary to fulfil report's two main functions:

- Creating sufficient basis for issuing the decision,
- Informing the society about the project and creating basis for answering to comments and recommendations submitted.

The register does not serve as a mechanism for verifying whether presented information complies with the requirements of the Act or with the interim decision on the scope of the

report. It should be used to check whether all local conditions and project's potential impacts have been taken into account.

Additional registers have been attached to supplementary register No.3. The registers relate to the following components of the report:

- Project's description,
- Alternative solutions,
- Description of environment that the project may impact,
- Impact description,
- Description of the activities reducing the impacts,
- Executive summary in non-technical language,
- Report's framework.

Each additional register contains questions specifying detailed information that may be necessary for the body responsible for issuing the decision.

With regard to each particular issue, the person responsible for verification first decides whether the information is significant for the project with relation to local conditions. If it is not, the person conducting the assessment writes it down and asks the next question. If the person responsible for verification considers the question as an important one, he/she analyses the information provided by the applicant, and decides whether the information is:

- **Complete:** all the relevant information for issuing the decision are available and no additional information is required;
- **Sufficient:** presented information is not complete, the missing information, however, does not necessarily hinder further procedure on issuing the decision,
- **Insufficient:** there are major gaps in information presented; additional information is necessary to conduct further procedure on issuing the decision.

Analysis of information arrived at by filling in the register should make it possible to decide whether the report sufficiently describes environmental protection problems related to the project, and whether it constitutes sufficient basis for issuing the decision.

7.2.2. Step 2: Public participation in the EIA procedure

Public participation procedure is initiated when the body responsible for issuing the decision notifies the public about placing the application for issuing the decision in publicly accessible records and about the right to submit comments and recommendations within twenty-one days since the date of notification.

The body responsible for issuing the decision is obliged to consider all the comments and recommendations submitted during public participation procedure. The justification for the decision should contain information on the extent to which the comments and recommendations submitted during public consultations were taken into account.

With relation to comments and recommendations submitted under the EPL Act, the Act invalidates the provisions of the Code of Administrative Procedure on comments and recommendations. The EPL Act cancels the obligation to provide individual answers to each comment and recommendation and introduces the possibility to answer collectively to all the comments and recommendations submitted during the procedure (Article 36 of the EPL Act).

Therefore, the body only has to specify the number of comments and recommendations and group them according to e.g. their subject matter and the extent to which they have been taken into account. If the body has not considered some of the comments or recommendations it has to justify it.

According to Article 33 of the EPL Act, environmental organizations (non-governmental organizations whose statutory objective is environmental protection) may participate in the EIA procedure with the rights of a party. They have to state their wish to participate in the procedure and they have to operate within the area concerned. The body responsible for the procedure issues an interim decision on that request. If an organization is not granted the right to participate in the procedure with the rights of a party, it may file a complaint.

The body responsible for issuing the decision may organize an administrative trial open to the public. As the trial is the only formal element of the procedure allowing for active exchange of opinions and views between the parties in the procedure and society, the body responsible for issuing the decision should conduct the trial if the project is a controversial one, arises protests and if many comments and recommendations have been submitted.

It should be remembered that, according to Article 11 of the EPL Act, if the requirements of public participation procedure have been violated when issuing the decision, the decision is invalid.

7.2.3. Step 3: Verification of EIA report's content

The next step of the procedure is to assess the way in which environmental protection issues related to implementation, operation and liquidation stages of the project have been taken into account in the report.

The scope of information included in the EIA report is specified in the interim decision on the scope of the report. The applicant should be provided with the interim decision before he/she prepares of the report. If, however, some significant impacts of the project are mentioned for the first time in the report, the person assessing the report should decide whether it sufficiently describes these impacts.

When assessing whether presented information is relevant and sufficient, it is important to take the following issues into consideration:

- Legal provisions;
- The stage of project implementation at which the EIA procedure is conducted, e.g. whether decision relates to project's concept (e.g. decision on conditions for land development and use) or to a specified technical project (e.g. building consent);
- Further decisions that should be issued with regard to the project, and whether environmental protection issues will be taken into account during next stages of project implementation, e.g. whether next EIA procedure will be required;
- Project's profile, e.g. whether it is a large scale project, whether new or experimental technology will be introduced, whether the project will establish a precedence for implementing other projects in similar conditions;
- Environmental conditions in the area of the project, e.g. whether the project is located in environmentally vulnerable area, or whether significant impacts of other activities conducted in the area already occur;

- Social response to the particular type of projects and to the project under the procedure, e.g. whether this is a controversial type of project or whether there are any environmental protection issues related to the project that arise social concern.

The body may use the supplementary register to identify environmental protection problems. These problems constitute the basis, either for refusal of issuing one of the decisions granting the permit for carrying out the project, or the basis for specifying the conditions for the permit.

If the body responsible for the procedure decides that information included in the report is not sufficient to issue the decision, it should summon the applicant to supply the missing information under Article 64 (2) of the CAP.

7.2.4. Step 4: Specifying conditions for the decision

The person assessing the report writes down in the right column of the supplementary register of impacts or the supplementary register for assessment of the EIA report whether particular information is missing or whether the information presented constitutes sufficient basis for specifying conditions for the decision.

If certain information is still missing and if the information is significant enough to hinder the procedure, the body should define in the decision the conditions ensuring gathering necessary information and should specify the deadlines for gathering the information, when carrying out the project. The decision anticipates introduction of relevant changes resulting from the information gathered. If the procedure relates to early stage of project implementation, e.g. decision on conditions for land development and use, missing information may be supplied at a later stage, during the procedure for issuing the permit for project implementation, e.g. at the stage of issuing a building consent.

If, however, information included in the application is highly insufficient, the body must summon the applicant to supply the missing information (under Article 64 (2) of the CAP). Until the applicant supplies the information the body cannot issue the decision.

When issuing a building consent, the body may oblige the applicant to prepare a follow-up analysis. The body will specify the scope and deadline for such an analysis (Article 56(1) (2) of the EPL Act).

According to Article 56 (2) of the EPL Act, a follow-up analysis should compare the specifications included in the EIA report, in the decision granting permit for construction or demolition of a built site and in the decision granting a consent for changing the use of a built structure or a part of it with project's actual impact on environment and activities undertaken to minimize the impact.

The obligation to prepare the follow-up analysis is especially crucial when the project is implemented at the area that is particularly vulnerable to pollution. Moreover, the body may consider imposing the obligation if the project includes novel solutions that have not yet been thoroughly checked.

Moreover, the body responsible for the procedure may specify in the decision the obligations relating to preventing, limiting or monitoring project's environmental impacts (Article 56(1) (1) of the EPL Act).

If it is necessary to include new information in the EIA report and the administrative trial has been already conducted, the body responsible for assessing those additional information must also decide whether the information are significant enough to conduct another administrative trial.

According to Article 55 of the EPL Act, if during the EIA procedure the body states that the project should be carried out in a different way than the one proposed in the application, the body, with the approval of the applicant, grants the decision for carrying out the alternative project. If the applicant does not agree to the alternative solution, the body refuses to grant the permit for carrying out the project. This is the first time in the history of the Polish law that environmental issues may lead to refusal to grant the permit for project implementation, if the requirements specified by the body responsible for the procedure are not met. This proves that environmental issues are gaining significance in Polish law.

7.2.5. Step 5: Obtaining approvals and issuing the decision

The final decision can be issued only after obtaining approvals from authorities that should specify their position on the issue (Article 48 (2) of the EPL Act). According to the Act, the bodies competent to issue approvals are the same bodies that were consulted during the screening and scoping stages, i.e.:

- A relevant voivode – with regard to group I projects, which always require the EIA report (Article 378 (2) (1) of the EPL Act);
- A starost – with regard to group II projects, which may require the EIA report (Article 378 (1) of the EPL Act).

With regard to the decision on conditions for land development and use and the decision granting a building consent for group II projects the *powiat* (local) sanitary inspector should also issue the approval (Article 57(1) of the EPL Act).

The minister responsible for the environment and the Chief Sanitary Inspector should issue approvals when specifying location indications for a motorway or an expressway, if provisions on toll motorways apply to such a road.

Other acts related to particular fields specify additional requirements on obtaining approvals. They provide for the obligation to obtain approvals from various bodies when issuing decisions on projects implemented in areas with particular characteristics. Additional requirements are also specified in the Act of 16 October 1991 on Environmental Protection with relation to Projects Implemented in National Parks, Reserves, Natural Scenic Areas and Protected Landscape Areas.

For the majority of decisions requiring the EIA procedure, the body responsible for issuing the decision must produce, when requesting an approval, the following documents:

- Application for granting the decision and documentation required by separate provisions;
- The EIA report, or basic information on the project submitted by the applicant, if the report is not required.

The EPL Act does not specify the procedure for issuing approvals for the decision. This is defined by the Code of Administrative Procedure. According to Article 106 of the CAP, if it is legally required that the opinion of another body (in this case an approval) is necessary for granting the decision, the body specifies its position in an interim decision. The party has the right to file a complaint against the interim decision.

In the case of the procedure for issuing a building consent, it is the applicant who is obliged to obtain the approval (Article 48 (4) of the EPL Act); the applicant should submit the following documents to competent authorities:

- Construction design,
- The EIA report or basic information on the project, if the report is not required.

The approval for the construction design is issued as a decision.

7.3. Making the decision public

The final step of the EIA procedure is to issue the decision, along with its justification, and inform the applicant and other parties in the procedure about the decision. The justification has to state the extent to which comments and recommendations submitted by society have been taken into account and, if follow-up analysis is required, it also has to specify reasons for imposing the obligation to prepare the analysis.

Article 46 (9) of the EPL Act invalidates the provisions of Article 107 (4,5) of the CAP that specify the cases in which the body is not obliged to justify the decision. The body always has to justify the decision requiring the EIA procedure (therefore regardless of whether the EIA report has been prepared). The obligation results from Article 9 of the Council Directive 85/337.

Society should have access to the decision, which means that data on the decision should be placed in publicly accessible records. The decision is issued and made public regardless of the requirement to prepare the EIA report. If the EIA report is prepared information on placing the data on the decision in particular records should be also made public.

According to the provisions of the Code of Administrative Procedure, the applicant and other parties have the right to appeal from the decision or to apply for the revocation of the decision by means of administrative procedure.

Annex 2: Supplementary registers

Supplementary registers No. 1 and 1a: Supplementary registers of impacts

Instructions:

Supplementary registers Nos. 1 and 1a should be used during the screening stage for group II projects and during the scoping stage for group I and group II projects.

The screening stage (chapter 5 of the publication)

The first column of supplementary register No. 1 includes questions that should help to identify project's probable impacts on environment. Answers to the questions and a brief description included in the second column should constitute the basis for evaluation of all probable aspects of implementation, operation and liquidation stages of the project related to:

- Type and size of the project (questions 1-10),
- Project's probable impacts in local environmental conditions (questions 11-26).

Answers should be provided on the basis of information included in the application to issue the decision and available information on local environmental conditions. In case of doubts whether a particular impact is probable to occur, the body may ask additional questions from register No 1a that relates to environmental results of project implementation. It may also contact the applicant.

The body may use the filled in register to justify the interim decision on the obligation to prepare the EIA report. If the EIA report is required, the body should also fill in the register No. 1 during the scoping stage.

The scoping stage for group II projects (chapter 6 of the publication)

For group II projects requiring the EIA report the screening and scoping stages are conducted almost simultaneously (the body issues one interim decision on the obligation to prepare the report and on report's scope). Having identified all probable impacts, the body decides which impacts may significantly influence the environment. Such impacts should be considered in a more detailed way in the EIA report.

Significant impacts along with their brief description should be specified in the third column of register No 1. It is recommended to ask also the additional questions relating to impacts' results (register No. 1a).

The body may also use the filled in register No. 1 to justify the interim decision on the obligation to prepare the EIA report and on the scope of the report.

The scoping stage for group I projects (chapter 6 of the publication)

The EIA procedure is initiated for group I projects after submitting the application along with the EIA report. The scoping stage for such projects is carried out as a part of the 'preliminary procedure.' Before submitting the application, the applicant may ask the body conducting the procedure to specify report's scope within the 'preliminary procedure.'

The body has to identify project's potential impacts and specify them along with a brief description in the second column of register No. 1. Next, the body has to specify which impacts are significant and state it along with their description in the third column of register No 1.

In case of doubts whether a particular impact is probable to occur, the body may ask additional questions from register No. 1a, which relates to environmental results of project implementation. It may also contact the applicant.

As in the case of group II projects, the body may also use the filled in register No. 1 to justify the interim decision on the scope of the report.

Supplementary register No. 1

Issues that should be considered	Y/N/? ¹ – Brief description of the impact	Is the impact likely to be significant? Y/N/? ² /Why?
Brief description of the project:		
1. Will project's implementation, operation or liquidation cause physical changes in a given area (e.g. with regard to topographic characteristics, land use, hydrologic conditions)?		
2. Will the project use natural resources during its implementation, operation or liquidation stages (e.g. soil, water, mineral deposits or energy, especially exhaustible and limited resources)?		
3. Will project's implementation, operation or liquidation require using, storing, transporting, managing, or producing substances or materials which may be harmful to human health or to the environment, or which may cause concern with regard to actual and supposed threats posed to human health?		
4. Will project's implementation, operation or liquidation result in production of solid waste?		
5. Will carrying out of the project result in releasing to air substances that cause pollution, or substances that are dangerous, toxic or harmful?		
6. Will the project result in energy emissions such as: noise, vibrations, light, heat or electromagnetic radiation?		
7. Will the project pose threat of contaminating soil or water due to releasing pollutants to soil or to surface, underground, coastal and sea waters?		
8. Will project's implementation, operation or liquidation pose threat of an emergency that may impact human health or the environment?		
9. Will the project cause social changes, e.g. demographic changes, changes in employment or in the traditional way of life?		
10. Are there any other factors that should be considered, e.g. investments related to carrying out of the project that may impact the environment, or the possibility of accumulation of project's impacts with the impacts of other types of activities (already existing or planned in the area)?		
11. Does the area of the project or the area nearby it include areas that due to their environmental, landscape, cultural or other values are protected		

Issues that should be considered	Y/N/? ¹ – Brief description of the impact	Is the impact likely to be significant? Y/N/? ² /Why?
under international, state or local provisions, and that may be impacted by the project?		
12. Does the area of the project or the area nearby it include areas that due to their environmental characteristics (e.g. water and swamp areas, streams, water reservoirs, coastal areas, mountains, forests or primeval forests) are considered as important or vulnerable and that may be impacted by the project?		
13. Does the area of the project or the area nearby it include areas that are used by protected, important or vulnerable plant and animal species, for e.g. breeding, nesting, wintering, preying or migrating and that may be impacted by the project?		
14. Does the area of the project or the area nearby it include areas or sites characterized by unique landscape or sightseeing values that may be impacted by the project?		
15. Does the area of the project or the area nearby it include routes or equipment enabling access to recreational facilities or other facilities that may be impacted by the project?		
16. Is it possible that the project may impact those communication routes that are likely to be crowded or that cause other environmental problems?		
17. Is the project located in the area that is within the range of vision of many people?		
18. Is it possible that the project will impact areas or sites that are historically or culturally important?		
19. Is the project located in the area that has not been previously used, and therefore may cause loss of natural areas?		
20. Is it possible that the project will impact current ways of using the land, e.g.: houses, industrial plants, trade units, public utility sites, recreational areas, gardens, other types of private property, open public space, agricultural land, forests, tourist sites and areas, underground and opencast mining sites?		
21. Are there any land use plans specifying future ways of using the area of the project or the area nearby it that may be impacted by the project?		
22. Does the area of the project or the area nearby		

Issues that should be considered	Y/N/? ¹ – Brief description of the impact	Is the impact likely to be significant? Y/N/? ² /Why?
it include any densely inhabited or built-up areas that may be impacted by the project?		
23. Does the area of the project or the area nearby it include vulnerable areas with regard to the way they are used, e.g. areas with schools, hospitals, places of worship, public utility sites that may be impacted by the project?		
24. Does the area of the project or the area nearby it include areas containing important, rare or high quality resources, e.g. underground and surface waters, resources used in forestry, agriculture, fishery and tourism or mineral deposits that may be impacted by the project?		
25. Does the area of the project or the area nearby it include areas characterized by high pollution or by other environmental damages, e.g. areas where environmental protection standards have already been violated and that may be impacted by the project?		
26. Is the area of the project characterized by an increased risk of sedimentation, sliding, erosion, floods, extreme or harmful climatic conditions, e.g. temperature inversion, fogs, gusty winds, due to which the project may cause environmental problems?		
Additional issues specified by the body conducting the EIA procedure		
A summary of those traits of the project and of its location that prove that the report is necessary and that should be included in the scope of the report.		

Supplementary register 1a: Register for specifying significance of impacts

- 1) Will project's implementation, operation or liquidation result in a significant change of environmental conditions?
- 2) Will the project have an unusual impact on a given area; will the impact be particularly complex one?
- 3) Will the project impact a large area?
- 4) Is it possible that transboundary impacts will occur?
- 5) Will the project impact a large number of people?
- 6) Will the project impact components of natural environment (e.g. animals, plants, habitats) or infrastructure components (e.g. trade units, facilities)?
- 7) Is it possible that the project will impact areas and sites that are legally protected?
- 8) Will the project impact valuable or rare environmental components or resources?
- 9) Is it possible that environmental protection standards will be violated?
- 10) Is it highly probable that the impact will occur?
- 11) Will the impact be a long term one?
- 12) Will the impact be permanent?
- 13) Will the impact be continuous?
- 14) If the impact will be a discontinuous one, will it occur often?
- 15) Will the results of the impact be irreversible?
- 16) Will it be difficult to avoid, limit, remove or compensate for the results of the impact?

Supplementary register No. 2: Evaluating alternative solutions

Instructions:

According to Article 52 (1) (3) of the EPL Act, the EIA report must describe proposed alternative solutions, including the solution of not carrying out the project and the solution that is the most advantageous for the environment. The supplementary register included below is designed to help to assess alternative solutions during the scoping stage. According to Article 55 of the EPL Act, the body may decide that, if it is justified, the project will be carried out using a different solution than the one proposed by the applicant. Therefore, specifying the requirements for alternative solutions is crucial not only for the body responsible for the EIA procedure but also for the applicant. The body may decide during the scoping stage that there are sufficient reasons for specifying alternative solutions and including them in the report.

It is worth noting that alternative solutions do not have to radically alter all the components of the project (e.g. a solution assuming that the project will not be carried out). Solutions that change only particular parts of the project or that relate only to one of project's stages (e.g. implementation, operation or liquidation stages) are much more frequent. Therefore, the solution that is 'the most advantageous for the environment' may comprise of a number of solutions relating to particular parts and stages of the project.

Supplementary register No. 2

Issues to be considered when specifying alternative solutions	Solutions that should be included in the EIA report
Solutions related to project's characteristics:	
Processes/technologies applied	
Methods for conducting activities	
Construction of sites	
Types and sources of raw materials	
Variety of products	
Project implementation plan	
Project's scope	
Management methods	
Environmental management procedures	
Solutions related to employment and training of employees	
Solutions related to project's liquidation, land reclamation and to later use of the area	
Solutions related to project's location:	
Project's location/communication routes	
Land use plans and location of built sites	
Solutions related to commuting	
Additional facilities	
Solutions related to project's impact on the environment:	
Methods for limiting emissions to the environment	
Solutions in the field of waste management (including waste collection/ transport/recycling/disposal)	
Monitoring and instructions in case of emergencies	
Other issues:	
Policy for efficient use of environmental resources	
Policy for production of environmentally friendly products	
Schedule for carrying out of the project	

Supplementary register No. 3: Evaluation of the EIA report

Instructions:

The body responsible for the procedure should use the supplementary register No. 3 when preparing the decision and evaluating the EIA report (chapter VII of the publication).

The first part is constituted by the main supplementary register No. 3, which summarizes the analysis of the report. It is recommended to fill in this register only after analyzing the report and filling in additional registers: 3A, 3B, 3C, 3D, 3E, 3F, and 3G. Each entry from the main register relating to a particular group of issues considered during the evaluation is expanded in additional registers with the same symbol (A, B, C, etc.). The evaluation included in the second column of the main register should reflect a joint assessment for each of the group of issues. In the last column the body specifies the issues that should be considered when granting the decision and missing information that should be supplied. The body conducting the procedure evaluates the whole report on the basis of assessments for each group of issues. The body has to decide whether the report is relevant and sufficient to issue the decision.

Additional tables (3A, 3B, 3C, etc.) are similar in form to the main table; they are, however, much more detailed. Moreover, they include an additional column where the body specifies whether a particular issue is relevant to the assessment of project's impact on environment and to the requirements specified in the decision-making process. By means of additional registers the body may systematically evaluate the report and consider all potentially significant issues.

Supplementary register No.3

Criteria for report evaluation	Evaluation of report's components (C/S/I) ³	Comments
Register A - Description of the project		
1. Project's main features		
2. Project's scope		
3. Implementation, operation and liquidation stages of the project and resources used		
4. Waste and emissions		
5. Threat of emergency		
Register B - Alternative solutions		
Register C - Description of environment that the project may impact		
1. Description of project's area and area nearby it		
2. Collection of data and methods for analyses		
Register D - Description of impacts		
1. Identification of impacts		
2. The scope of impacts		
3. Collection of data and methods for analyses		
4. Evaluation of significant impacts		
Register E - Reduction of impacts		
1. Description of impact reduction methods		
2. Agreement to apply impact reduction methods		
3. Environmental results of applying impact reduction methods		
4. Proposal for impact monitoring		
Register F - Non-technical summary		
Register G - General approach		
1. Organization of information		
2. Presentation of information		

Additional registers for the evaluation of the EIA report

Register 3A: Description of the project

Issues	Significant (Y/N) ⁴	Described sufficiently (C/S/I) ⁵	Comments
1. Project's main features			
1.1) Does the report specify the aims of the project?			
1.2) Does the report specify the type of decision applied for and for which the report has been prepared?			
1.3) Does the report specify anticipated duration of implementation, operation and liquidation stages of the project as well as schedules for those stages?			
1.4) Does the report describe and present in the graphic manner project's components along with their location within the project?			
1.5) Does the report describe implementation methods?			
1.6) Does the report describe characteristics of and methods for conducting activities during project's operation stage?			
1.7) Does the report describe liquidation methods?			
1.8) Does the report describe all the additional services (e.g. in the fields of water, heat, electric energy supply, telecommunication services, sewage and waste disposal) and further investments required by carrying out of the project (e.g. roads, power-lines)?			
1.9) Does the report specify potential additional investments resulting from carrying out of the project?			
2. Project's scope			
2.1) Does the report include a map that clearly identifies: project's area, communication routes, location of main and additional facilities, areas used during project's implementation, including places of accommodation for workers (if required)?			
2.2) If the report is prepared for a line project, does it specify the inland corridor, its vertical and horizontal layout and the need to construct tunnels, flyovers or to carry out earthworks?			
2.3) Does the report specify the way in which the land used just for a certain period of time will be further used?			
3. Implementation, operation and liquidation stages of the project and resources used			
3.1) Does the report describe all the processes used during project's implementation, operation and			

Issues	Significant (Y/N) ⁴	Described sufficiently (C/S/I) ⁵	Comments
liquidation stages?			
3.2) Does the report describe type and quantity of products made during project's implementation, operation and liquidation stages?			
3.3) Does the report describe type and quantity of resources and energy needed during project's implementation, operation and liquidation stages?			
3.4) Does the report specify the efficiency of energy and resource use?			
3.5) Does the report describe project's impact on employment in the region during its implementation, operation and liquidation stages?			
3.6) Does the report describe the way in which workers and visitors will access project's area and does it assess traffic density and specify the means of transport?			
3.7) Does the report describe the manner in which products and resources will be transported during project's implementation, operation and liquidation stages and traffic density related to it?			
4. Waste and emissions			
4.1) Does the report describe the type and quantity of waste produced during project's implementation, operation and liquidation stages?			
4.2) Does the report describe composition and harmfulness of waste produced and potential threat that it poses to environment?			
4.3) Does the report specify waste management solutions, including waste collection, transportation, recycling and disposal and does it specify location of waste management units?			
4.4) Does the report specify type and quantity of sewage produced during project's implementation, operation and liquidation stages?			
4.5) Does the report describe composition and harmfulness of sewage produced and potential threat that it poses to environment?			
4.6) Does the report specify sewage management solutions, including sewage collection, treatment and discharge to environment and does it specify location of sewage management units?			
4.7) Does the report specify type and quantity of substances discharged to air during project's implementation, operation and liquidation stages?			
4.8) Does the report describe composition and harmfulness of substances discharged to air and potential threat that they pose to environment?			

Issues	Significant (Y/N) ⁴	Described sufficiently (C/S/I) ⁵	Comments
4.9) Does the report specify ways in which substances will be discharged to air as well as location and characteristics of discharge points?			
4.10) Does the report discuss the possibilities for recovering raw material and energy from waste?			
4.11) Does the report specify sources, types and levels of energy emissions (including noise, heat, vibrations of electromagnetic fields)?			
4.12) Does the report specify methods for estimating the quantity and composition of substances discharged to environment and of waste produced and does it discuss accuracy of the methods?			
5. Threat of emergency			
5.1) Does the report discuss the threat of emergency during project's implementation, operation and liquidation stages?			
5.2) Does the report specify methods for preventing emergencies and neutralizing their results?			
Issues added by the body conducting the EIA procedure			

Register 3B: Alternative solutions

Issues	Significant (Y/N)	Described sufficiently (C/S/I)	Comments
1.1) Does the report present a sufficient description of alternative solutions required by the interim decision on report's scope, including a solution of not carrying out the project and a solution that would be the most advantageous to the environment?			
1.2) Does the report present sufficient reasons for choosing the solution that is included in the application, and does it sufficiently consider environmental protection aspects when choosing the solution?			
1.3) Are the alternative solutions presented in the report reasonable and different from the solution chosen in the application?			
1.4) Does the report clearly and objectively compare the most significant impacts of alternative solutions with the impacts of the solution chosen in the application?			

Register 3C: Description of environment that the project may impact

Issue	Significant (Y/N)	Described sufficiently (C/S/I)	Comments
Description of project's area and area nearby it			
1.1) Does the report specify the manner of using project's area and the area nearby it?			
1.2) Does the report describe and present in the graphic manner all environmental components that may be impacted by the project, especially: <ul style="list-style-type: none"> • Topographic conditions, • Geological conditions, • Landscape, • Plant and animal habitats, • Surface and underground waters and other hydrological conditions, • Climate and meteorological conditions, • Noise climate? 			
1.3) Does the report identify and describe components of historical and cultural environment that may be impacted by the project?			
1.4) Does the report present socio-economic conditions of the region where the project is located?			
1.5) Does the report present in the graphic manner the areas that project's particular components may impact?			
Collection of data and methods for analyses			
2.1) Does the report analyze area large enough to take into account project's all possible impacts on environment?			
2.2) Were all available sources of data and information used in the report?			
2.3) Does the report analyze local, regional and state plans, strategies and priorities that may influence project's implementation?			
2.4) Does the report describe methods for analyses and environmental research?			
2.5) Does the report use proper methods for analyses and environmental research?			
2.6) Does the report specify significant gaps in data available and explain the reasons for lack of data?			
2.7) Does the report, in case of lack of data on environment, propose methods for supplying missing information?			
Issues added by the body conducting the EIA procedure			

Register 3D: Description of impacts

Description of impacts	Significant (Y/N)	Described sufficiently (C/S/I)	Comments
1. Identification of impacts			
1.1) Does the report analyze all significant negative as well as positive impacts occurring during implementation, operation and liquidation stages of the project, including the following types of impacts: <ul style="list-style-type: none"> • Direct, indirect, secondary and accumulated, • Short-, medium- and long-term, • Permanent and temporary? 			
1.2) Does the report take into account the possibility of additional impacts resulting from project's implementation, i.e. from carrying out other investments that may also impact the environment?			
1.3) Does the project analyze the aforementioned types of impacts in the following fields: <ul style="list-style-type: none"> • Land use, • Air and climate conditions, • Soil and mineral deposits, • Underground water and hydro-geologic conditions, • Surface water and hydrologic conditions, • Noise climate, • Landscape, • Functioning of ecosystems, • Cultural and historic heritage, • Socio-economic conditions? 			
1.4) Does the report clearly specify which impacts in the aforementioned fields do not create problems with regard to carrying out of the project and its location?			
1.5) Does the report analyze each kind of impact according to its relevance for the decision-making process so as not to collect redundant information and in order to focus only on the most significant issues?			
1.6) Does the report specify impacts that initially are insignificant, but may gradually lead to a significant impact?			
1.7) Does the report take into account the possibility of impacts resulting from unusual operation conditions (e.g. malfunction of equipment, extraordinary environmental conditions, such as floods) and from significant breakdowns?			
1.8) Does the report estimate the probability and potential results of serious breakdowns posing threat to the environment?			

Description of impacts	Significant (Y/N)	Described sufficiently (C/S/I)	Comments
2. The scope of the impacts			
2.1) Does the report describe impacts' scope and character and environmental components impacted?			
2.2) Does the report clearly state expected duration of impacts and does it specify whether they will be short-, medium-, long-term, temporary or permanent?			
2.3) Does the report, if possible, present prognosis of impacts in the quantitative way? Otherwise, does it specify qualitative indicators?			
2.4) In the case of quantitative prognosis, does the report estimate the uncertainty of the results obtained?			
3. Collection of data and methods for analyses			
3.1) Does the report describe the methods used for predicting the character and scope of impacts? Are these methods appropriate for estimating the impacts?			
3.2) Is the data sufficient to assess the size and scope of major impacts, is it clearly described, and are the sources of data specified?			
4. Evaluation of significant impacts			
4.1) Does the report describe project's impacts on local community and on protection of environmental resources?			
4.2) Does the report describe significant impacts with relation to international and domestic standards? Otherwise, does it describe the scope, location and duration of impacts with relation to value, vulnerability and exhaustibility of resources?			
4.3) Does the report describe existing standards, assumptions and values that may be used for impact assessment?			
4.4) If widely recognized standards for impact assessment do not exist does the report describe alternative approaches? If yes, are facts, assumptions and professional assessments clearly differentiated?			
4.5) Does the report clearly indicate which impacts may be significant and which may not?			
Issues added by the body conducting the EIA procedure			

Register 3E: Reduction of impacts

Issues	Significant (Y/N)	Described sufficiently (C/S/I)	Comments
1. Description of impact reduction methods			
1.1) Does the report propose solutions for reduction of significant, negative impacts, if possible, for each particular type of impact?			
1.2) Does the report justify the choice of impact reduction methods?			
1.3) If the report proposes impact reduction methods, does it also specify impacts' significance after applying these methods?			
1.4) Do the impact reduction methods include, where it is relevant, changes in the project, in project's implementation, operation and liquidation program, including changes in processes or technologies, resource use, removal or minimization of impacts' results?			
1.5) Does the report specify methods' efficiency?			
1.6) If the report does not propose any impact reduction methods, does it state the fact clearly and give sufficient reasons for it?			
2. Agreement to apply impact reduction methods			
2.1) Does the report clearly distinguish the methods that the applicant agrees to apply from those that are just proposals to be considered?			
2.2) Does the report specify the person responsible for the application of impact reduction methods and the sources of their financing?			
3. Environmental results of applying impact reduction methods			
3.1) Does the report analyze and describe all negative results of applying impact reduction methods?			
3.2) Does the report consider the possibility of a conflict between the advantages and disadvantages of applying impact reduction methods?			
4. Proposal for impact monitoring			
4.1) If the extent of impacts is uncertain, does the report propose a monitoring program for assessment of project's impacts on the environment?			
Issues added by the body conducting the EIA procedure			

Register 3F: Non-technical summary

Issues	Significant (Y/N)	Described sufficiently (C/S/I)	Comments
1.1) Does the summary contain a brief description of the project and the environment, does it specify significant impacts and impact reduction methods that will be used by the applicant, and does it relate to other impacts?			
1.2) Does the summary avoid using technical terms, data records and detailed scientific explanations?			
1.3) Does the summary include major conclusions and issues of the report?			
1.4) Does the summary contain a brief explanation of the general approach adopted during the assessment?			
1.5) Does the summary specify the credibility of data on the project and its impact on environment?			
1.6) Is the summary understandable for people that are not experts in environmental protection issues and can it be presented during public participation procedure?			

Register 3G: General Approach

Issues	Significant (Y/N)	Described sufficiently (C/S/I)	Comments
1. Organization of information			
1.1) Is the report logically and clearly organized?			
1.2) Does the report contain an index or a table of contents that would make it easier to quickly find particular information?			
1.3) Does the report specify data on external sources of information?			
2. Presentation of information			
2.1) Are all the conclusions confirmed by relevant information and analyses?			
2.2) Does the report present information and analyses, where possible, by means of maps, tables and other visual aids?			
2.3) Are detailed data and estimates included in annexes in order to keep the main body of the report clear?			
2.4) Does the report avoid presenting unnecessary information (i.e. unnecessary for issuing a particular decision)?			
2.5) Is the terminology consistent; are subsequent chapters logically connected?			
2.6) Does the report highlight the significance of major negative impacts, advantages for the environment and controversial issues?			
2.7) Are the information presented in an objective manner?			

Notes to the registers

¹Y – yes, the impact may occur

N - no, the impact will not occur

? – not known, data not sufficient to decide whether the impact may occur

² Y – yes, the impact may be significant

N – no, the impact is not significant

? – not known, data not sufficient to decide whether the impact may be significant

³ C – complete – information included in the report is complete and adequate to analyse the group of issues

S – sufficient – information included in the report is not complete but sufficient to analyse the group of issues

I – insufficient – there are significant gaps in information included in the report that hinder the analysis of the group of issues

⁴ Y – yes, the information is significant for the issue analysed

N – no, the information is not significant for the issue analysed

⁵ C – complete – information included in the report is complete and adequate to analyse the issue

S – sufficient – information included in the report is not complete but sufficient to analyse the issue

I – insufficient – there are significant gaps in information included in the report that hinder the analysis of the issue