

## **Table of contents**

List of abbreviations .....	11
Introduction.....	15

### **Part I**

#### **The legal basis of environmental law in Poland**

1. Introductory remarks.....	19
2. Constitution of the Republic of Poland.....	19
3. Ordinary legislation .....	23
4. Conclusions.....	28

### **Part II**

#### **The concept of the environment**

1. Introductory remarks.....	29
2. The concept of the environment in the light of other sciences .....	30
3. The concept of the environment in the light of the law and its science .....	33
4. Conclusions.....	36

### **Part III**

#### **The basic principles of environmental law in Poland**

1. Introductory remarks.....	37
2. The principle of environmental complexity.....	38
3. Prevention principle .....	39
4. Precautionary principle .....	40
5. Polluter Pays Principle.....	42
6. The integration principle.....	43

7. The principle of public participation in environmental protection .....	44
8. The principle of comparability of test results and measurements....	45
9. Conclusions.....	46

## Part IV **Sustainable development**

1. Introductory remarks.....	49
2. Legal bases of sustainable development in Poland.....	50
3. The concept of sustainable development in Polish jurisprudence and legal doctrine.....	54
4. Conclusions.....	58

## Part V **The protection of environmental resources in Poland**

1. Introductory remarks.....	59
2. Protection of environmental resources in Poland on the basis of the Act – Environmental Protection Act .....	61
3. Conclusions.....	64

## Part VI **Institutions of the environment law in Poland**

1. Introductory remarks.....	65
2. Types of institutions from the law of environment protection in Poland .....	67
2.1. Natural resource ownership .....	68
2.2. Use of the environment and its resources .....	69
2.3. Planning in environmental protection.....	71
2.4. Special Environmental Protection Area.....	73
2.5. Institutions related to the legal protection of nature in Poland .....	74

2.6. Access to information on the environment.....	77
2.7. Participation of citizens and their organizations in environmental protection.....	81
2.8. Control and supervision in environmental protection .....	84
2.9. Product control.....	87
2.10. Technical standards, management and labelling .....	88
3. Conclusions.....	90

**Part VII**  
**Environmental liability in Poland**

1. Introductory remarks.....	93
2. Civil liability .....	94
3. Administrative liability .....	98
4. Penal liability .....	104
5. Conclusions.....	107

**Part VIII**  
**The environmental protection authorities in Poland**

1. Introductory remarks.....	109
2. Minister .....	110
3. General Director for Environmental Protection.....	112
4. Regional Director for Environmental Protection.....	115
5. Inspectorate for Environmental Protection .....	117
6. The voivod as the environmental authority .....	120
7. Local government executive as the environmental authorities....	121
7.1. The gmina or the mayor of the city or town as the environmental authoritie.....	122
7.2. The head of the powiat as the environmental authority.....	123
7.3. The council of the voivodship as the environmental authority.....	126

7.4. Marshal of the voivodeship as the environmental authority.....	126
8. Conclusions.....	129

**Part IX  
Environmental impact assessment procedures**

1. Introductory remarks.....	131
2. Environmental impact assessment .....	132
3. The repeated conduct of the environmental impact assessment for a project.....	139
4. A decision on the environmental conditions.....	140
5. Assessment of the impact of a project on a Nature 2000 site .....	148
6. Environmental Audits .....	150
7. Strategic environmental assessment .....	152
8. Conclusions.....	158

**Part X  
Financial and legal instruments  
of environmental protection in Poland**

1. Introductory remarks.....	159
2. Fees for the use of the environment .....	160
3. Administrative fines .....	165
4. An elevated environmental levy .....	168
5. Different tax rates and other public duties imposed for the purpose of environmental protection.....	172
6. The emission fee .....	172
7. Special purpose funds in environmental law .....	174
8. Conclusions.....	177

**Part XI**  
**Permits and consents in environmental law in Poland**

1. Introductory remarks.....	179
2. An integrated permit .....	181
3. A permit for gas or dust releases into the ambient air .....	185
4. A permit for waste generation.....	187
5. A water-law permit .....	189
6. Conclusions.....	194
Bibliography .....	195
Literature.....	195
Judicial decisions (Case law).....	213
Legal acts .....	219

