

1. Legal basis

The conduct of an environmental impact assessment (EIA), including in a transboundary context, is regulated in Poland by *the Act of 3 October 2008 on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws of 2013, item 1235, as amended)*, hereinafter referred to as the *EIA Act*.

According to the *EIA Act*, an EIA is carried out, among others, as part of an environmental permit, which determines the environmental conditions for project implementation. It is an administrative decision that is mandatory before obtaining further investment decisions, and it is binding on the authorities issuing such decisions. In the case of the current proceedings aimed at issuing an environmental permit for the project involving the construction and operation of the first Nuclear Power Plant in Poland with a capacity of up to 3,750 MWe in the area of the following municipalities: Choczewo or Gniewino and Krokowa, the decision will be binding for several bodies, in particular for the Voivode of the Pomorskie Voivodeship, who issues the decision on the location for the investment and the decision on the construction permit, and for the President of the National Atomic Energy Agency, who issues the construction permit for a nuclear facility.

An environmental permit defines e.g. the following:

- project type and location,
- conditions for land use at the project construction and operation stage or at the project utilisation stage,
- environmental protection requirements to be included in the design documentation, in particular in the construction design,
- requirements for counteracting the effects of industrial accidents,
- requirements for reduction of the transboundary environmental impact with regard to projects for which a transboundary environmental impact assessment has been carried out,
- mitigation and compensation measures, if necessary,
- requirement to conduct environmental monitoring, if justified,
- requirement to conduct post-project analysis, if necessary,
- in the case of a nuclear power facility, a condition is imposed to re-evaluate the environmental impact before issuing a construction permit for a nuclear facility.

The legitimacy of repeated conduct of the EIA results from the fact that the EIA procedure is carried out at an early stage of the investment process when technological design solutions are not yet clearly defined. Therefore, when the technical details are known, it is possible during repeated conduct of the EIA to specify the environmental conditions for the implementation of the investment in more detail. It should be noted that a repeated conduct of the EIA also covers the examination of the legitimacy of conducting a transboundary procedure along with public participation.

Besides, the justification of the environmental permit should contain, among other things, the information about how and to what extent the findings contained in the documentation of environmental impact assessment have been included, as well as the results of the proceedings on transboundary environmental impact, if they were carried out, the comments and requests made in the context of public participation and the opinions of competent authorities.

2. Preliminary timetable for the conduct of the EIA procedure for a nuclear power plant according to the information provided by the investor

- An EIA procedure is instituted at the investor's request. An investor submits the request to the General Director for Environmental Protection (GDEP) to determine the scope of environmental documentation (the report on the environmental impact) and attaches a project information sheet containing the information in accordance with Article 3(2a) of the Espoo Convention (third quarter of 2015).
- GDEP issues a decision on the necessity of conducting a transboundary procedure (third quarter of 2015).
- After obtaining the required documents, GDEP notifies the potentially affected parties of the possible transboundary impact (fourth quarter of 2015).
- After consultation with the competent authorities (a competent sanitary inspection body and the Director of the Maritime Office), GDEP issues a decision that defines the scope of the environmental documentation and includes, *inter alia*, the comments and requests regarding the information sheet submitted by the Polish authorities and the authorities of the Affected Parties (planned for the first quarter of 2016).
- The investor submits environmental documentation in compliance with the above-mentioned decision issued by GDEP.
- GDEP sends the environmental documentation together with the necessary translations to the affected parties (planned for 2018).
- GDEP carries out public participation in Poland (it can also perform an administrative hearing open to the public), and requests competent Polish authorities to submit opinions (State Sanitary Inspector of the Pomorskie Voivodeship/Chief Sanitary Inspector) and approval (Director of the Maritime Office in Gdańsk).
- The affected parties carry out public participation of their societies and send official position with comments on the environmental documentation to GDEP.
- GDEP conducts transboundary consultations with the Affected Parties in writing and/or in the form of intergovernmental meetings.
- After obtaining the opinion of the President of the National Atomic Energy Agency, GDEP issues an environmental permit in which they consider, among other things, the comments and requests submitted by the affected parties, including the results of intergovernmental consultations.
- GDEP makes public the information about the decision and about the opportunities to get acquainted with its content and with the documentation of the case and at the same time sends the environmental permit to the affected parties with translations thereof and with a request to make it public.
- GDEP carries out a repeated conduct of the EIA as part of a decision on the construction permit, including the possibility of conducting a procedure on the transboundary environmental impact assessment.

3. The current stage of the EIA procedure for the planned investment involving the construction and operation of the first Nuclear Power Plant in Poland with a capacity of up to 3,750 MWe in the area of municipalities: Choczewo or Gniewino and Krokowa

The investment in question is covered by the projects listed in Annex I to the *EIA Directive*, for which it is mandatory to conduct an environmental impact assessment. Because of the likelihood of occurrence of significant transboundary impacts within the territory of other states as a result of the implementation of that investment, the investor, by submitting a request for an environmental permit, has requested the competent authority, i.e. GDEP, to specify the scope of research and analyses necessary to be conducted in order to draw up the EIA documentation referred to in Article 4 of the *Espoo Convention*.

The scoping phase of the EIA documentation is currently underway. Having analysed the project information sheet, GDEP has decided it is necessary to carry out the procedure on transboundary impacts on the environment and to inform the states that are potentially exposed to the likely occurrence of significant transboundary impacts about the planned project in accordance with Article 3 of the *Espoo Convention*. **At this stage of the EIA, the Affected Parties, provided that they intend to participate in the EIA procedure, may also submit comments on the project information sheet, which will afterwards be considered when determining the scope of the EIA documentation by GDEP.**

If the Affected Party participates in the procedure, the next step will be to send the EIA documentation to them in accordance with Article 4 of the *Espoo Convention*. Afterwards, on the basis of this documentation, the Affected Party will ensure the participation of their society and present the position referred to in Article 4 of the *Espoo Convention*. If deemed necessary by the Affected Party, consultations will be conducted before issuing the decision, as referred to in Article 5 of the *Espoo Convention*. After issuing the environmental permit, it will be immediately sent to the Affected Party in accordance with Article 6 of the *Espoo Convention*.

4. The authority conducting the proceedings on the issue of the environmental permit (including the transboundary environmental impact assessment):

Generalny Dyrektor Ochrony Środowiska (General Director for Environmental Protection)

ul. Wawelska 52/54

00-922 Warszawa

Tel. + 48 22 57 92 105, Fax. + 48 22 57 92 126, www.gdos.gov.pl

All queries about the procedure for issuing an environmental permit for a nuclear power plant should be sent to the following email address: npp.poland@gdos.gov.pl