

Civil society's monitoring of the legislative procedure as an important tool in a democratic state



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Introduction

Danuta Pająk-Bener – Polish Ecological Club

The “Baltic Action Plan implementation social monitoring” project was implemented in a period when several significant legislative processes were under way together with events important for the improvement of legislation regulating water quality of the Baltic Sea.

On 20/11/2014, Poland lost the case concerning the implementation of the Nitrates Directive provisions into the Polish legal system before the European Court of Justice. As this issue, which consisted in the fact that the provisions of the Polish legislation were not strict enough in protecting the Baltic Sea waters from nitrate and phosphate runoff, was well known (the European Commission had warned Poland twice already regarding this issue), efforts to draft a new Water Act to resolve some of the problems gained momentum.

On 10/03/2015 public consultations regarding the amendments to Water Law provisions were initiated. Most of the feedback concerned inadequate use of small retention measures and river renaturation, scarcity of educational activities, lack of comprehensive assessment for the investments planned and focus on individual evaluation for each of such projects.

On 01/07/2015 the IV Baltic Round Table talks were held at the Ministry of Environment, focusing on the implementation of the Nitrate Directive in Poland. Planned Water Law amendments and their expected date of introduction (May 2016) were covered among other issues. As the law has been drafted without public involvement, the meeting ended with conclusions regarding analysing and possibly including certain requests from academia and NGOs regarding reducing agricultural pressure on the Baltic Sea environment.

On 16/12/2015 the Parliament adopted amendments to the Water Law and several other legal acts (Journal of Laws 2015, item 2295). The most significant modifications pertain to water quality monitoring and assessment. The Act forces the president of the National

Water Management Board to prepare inventories of emissions, discharges and priority substance losses (i.e. chemical substances that are groundwater pollutants) for each river basin, taking into account EU legislation regarding these substances in water policies and publish such inventories in the Public Information Bulletin. Determination of specific measurement points, frequency and scope of the measurements is within the competence of an appropriate minister.

From the NGO perspective, social actors should be involved both in the legislative process and in further application of the legislation. Then provisions, procedures and programs prepared together get an opportunity of more careful implementation. It is particularly important in case of legislation taking into account the principles of sustainable development with a potential of tangible benefits to certain entities skilfully bypassing such regulations. Failure to adequately take the voice of NGOs into consideration and marginalization of their role in the aforementioned processes is quite commonplace in spite of legal guarantees and increased level of organizational activity in place. This is why the example of NGO attempts to minimize nitrate and phosphate runoff to the Baltic Sea is constructive indeed, even though no spectacular success was attained with 7 years of activities finalized merely with legislative changes not taking into account all the necessary measures present in the European legal system. The constructive role, however, consists in using all kinds of tools to pressurize the authorities and legislators in an effort to attain the optimum, including a complaint submitted to the European Commission.

All these efforts indicate determination on the part of NGOs appreciating the principles of sustainable development and putting in consistent and diverse effort, utilizing specialized know-how with regard to legal and administrative procedures. Still, cooperation with administrative authorities yields varying degrees of success.

Role of environmental organizations in the public consultation process on the example of document consultations with regard to water management

Maria Staniszewska – Polish Ecological Club

On 22/06/2015 a 12-month-long public consultation period finished for two strategic water management planning documents – update to the River Basin Management Plan (together with its annex, the National Water and Environment Program) and the Flood Risk Management Program (with consultations regarding the latter one prolonged until 31 July).

The River Basin Management Plan together with the National Water and Environment Program as an integral part constitutes the basic document defining water management in Poland. Such documents are developed for all river basins as a part of Water Framework Directive implementation. The RBMP is a basis for all decisions influencing the status of water resources as well as their quality and their future management. The River Basin Management Plan covers projects and investments with significant impact on water quality which at the same time fulfill the conditions pursuant to art. 4.7 of the WFD and as such they may be implemented. Furthermore, the RBMP annex, the National Water and Environment Program, describes activities taken to improve or maintain good condition of waters and dependent ecosystems. In other words, it lists “pro-environmental” activities to be implemented in order for environmental objectives to be attained – but it does not include any strictly technical anti-flooding measures.

The Flood Risk Management Plans are developed in conjunction with the requirements of the Floods Directive (Directive 2007/60/EC). The main purpose of the document is to reduce the risk and consequences of flooding. The plans include key technical and non-technical actions to prevent from high water occurrences. Obligations arising out of the Directive impose

the preparation of a preliminary flood risk assessment, flooding exposure maps, flooding risk maps and flood risk management plans and making such documents available to the public.

The consultation meetings included general presentations of river basin characteristics, scope of documents prepared and typology of projects and investments planned. Moreover, the protected areas were characterized, expected environmental outcomes of plan implementation were analyzed and derogations from the environmental objectives under the WFD and programs and action categories for water bodies were presented.

Representatives of the Polish Ecological Club took part in four consultation meetings, including ones held on 26 February and 7 March this year on updates to the River Basin Management Plans and on 1 June and 7 July this year on Flood Risk Management Plans and provided feedback as follows.



photo: archive/PKE

Flood Risk Management Plans

Over the course of multiple conferences and meetings focus on implementation of hydrotechnical investment

projects drew our attention, combined with marginalization of non-investment ways to minimize the flooding risk. As a result, the abovementioned documents do not have the proper sustainable focus that would treat flood as a natural occurrence. The documents undergoing consultations fail to include the option to provide the river with additional space, that is to space the embankments further apart, use old river beds, introduce relief channels and take other activities reducing the threat brought about by a flood wave.

Furthermore, the discussed documents fail to include small retention in forest areas that should be applied on a mass scale, in particular in the south of Poland (mountain and highland areas). It is a tool allowing slowing down precipitation drainage, at the same time preventing drought.

The environmental impact assessment for the planned investments utilizes a methodology wherein the impact of each investment activity is assessed separately, which does not translate into the overall impact of all planned projects onto the conditions in the river basin. Such an approach provides false representation of the environmental impact, in particular in areas where many investment projects were planned, such as the upper course of the Vistula River with over 1100 intended projects.

River renaturation, including activities such as maintaining or even reconstruction of river meanders, wetland farming etc., has only been planned to an extremely scarce extent (when compared to the scale of planned investment projects).

The risk generated by concentration of projects in the south of Poland (in particular in the area of Upper Vistula) has not been taken into account either. The accumulation of so many investment projects may bring about results in stark contrast to the intended objectives, causing intensified surface water runoff



photo: archive PKE

to lower lying areas and causing flooding in the lowlands. Furthermore, excessive concentration of projects yields a high risk of changing the regional water balance, resulting in, among other influences, a climate change. The most recent floods in the Vistula and Odra river basins in 1997 and 2010 may serve as an example justifying the aforementioned concerns. Floods in the Odra river basin bring about more losses and damage to property when compared to the Vistula due to excessive river engineering measures in place.

The whole document is developed with a once-in-a-100-years flood in mind (probability of occurrence equal to 1%), even though the 2010 experience has shown that most losses were caused by embankment damage by water level higher than the once-in-a-100-years one. Thus in our opinion the plan should include the scope of a once-in-500-years flood.

The Plans have also overlooked the issue of urban retention, strongly related to spatial planning and urban spraw, which, when coupled with adjoining infrastructure, increases isolation of the river basin through elevated runoff from impermeable surfaces such as roofs, roads, parking lots etc., while at the same time restricting drainage to underground waters.

Update to the River Basin Management Plans

During the consultation meetings regarding the River Basin Management Plans we had the impression that

the contractor were not focused on activities aimed at improving water quality in Poland and simultaneously attaining the environmental objectives under the Framework Water Directive, but rather on postponing significant actions and obtaining derogations.

Attaining the environmental objectives was to be assisted by the Water Law update now including a clause defining water as a value and providing more specific regulations with regard to fees for its use. Unfortunately, even though works on the said legal act have ended, it was not yet approved by the parliament because of political reasons – elections. As an NGO, we contest the good intentions of institutions involved in development of the RBMP updates because of insufficient actions taken to protect surface waters from nutrients. The Rural Area Development Program has a very limited scope of actions ensuring water quality. Moreover, the soil and water protection program was capped at 19% with “soil quality” as the monitoring indicator, and where is water in that picture? In the RBMP we see inadequate regulation of that issue, in particular, among other examples, in the Bug river basin.

Multiple comments to the consulted documents related to technical and formal issues were submitted by various institutions and authorities. The objections raised by a few NGOs and individuals mainly related to the low level of attention paid to increasing natural retention as well as opposition to excessive river engineering efforts.

Unfortunately, declarations made by the Minister of Environment and the National Water Management Board with regard to appropriate and sustainable water management remain unfulfilled. The authorities dealing with water management in our country continue to focus on hydrotechnical investment projects which, unfortunately, are not enough to protect us adequately from flood, and even less so from drought, as we could have seen last summer. As an environ-

mentally focused NGO we have a rather different vision of sustainable water management which we have presented in this paper.

Consultation end

All our comments received replies published on the National Water Management Board website. The replies touched on the relevant subjects only superficially, however, and the actions we strived to obtain received very low implementation priorities.

Implementation of Annex III of the Helsinki Convention in Poland

Jakub Skorupski, PhD – Federacja Zielonych “GAJA”

Implementation of the Convention on the Protection of the Marine Environment of the Baltic Sea Area signed in Helsinki on 9 April 1992 (Journal of Laws 2000, no. 28, item 346) is one of the most significant international law issues Poland is currently facing. Federacja Zielonych “GAJA” (GAJA Green Federation) has been striving to explain and resolve this issue impacting directly the natural environment of the Baltic Sea due to farming activity since 2010.

The problem Federacja Zielonych “GAJA” has identified consists of a discrepancy between the Helsinki Convention signed on 9 April 1992 and ratified by Poland on 24 June 1999 and the fertilizer law Poland has in place. It stems from the fact that the amended Annex III to the Helsinki Convention was not published in the Polish Journal of Laws. The aforementioned amendment arises out of modifications introduced in Part 2 of Annex III in line with the Helsinki Commission (HELCOM) recommendation 28E/4 establishing basic regulations for limiting negative environmental impact of farming and acting as minimum requirements for national legislation. Importantly, however, in accordance with article 32 of the Helsinki Convention on amendments to annexes and the adoption of annexes, the amended Annex III came into force for Poland as a binding legal act.

Annex III of the Helsinki Convention will not carry an internal binding power until it is published in the Journal of Laws, though. This results in Poland having two equivalent legal acts (in the understanding of international law) on natural fertilizers with divergent content. Thus even though the Helsinki Convention came into life in Poland as of 5 February 2000, the Polish regulations on storage and use of animal-based



photo: A. Kozłowski

fertilizers have not been fully harmonized with the requirements arising out of the amended Annex III. The most significant discrepancies refer to following issues defined in the aforementioned annex: obligatory tanks with a capacity of at least 6 months of natural fertilizer output, obligatory appropriate permits (corresponding with the integrated permits) for intensive cattle production installations of above 400 Animal Units and limits on phosphorus introduced into the soil with fertilizers to a level of 25 kg a year.

As a result of the observed irregularities, Federacja Zielonych “GAJA” has already issued calls for correcting the current non-compliance with international law to the Minister of Foreign Affairs, the Minister of Agriculture and Rural Development, Chancellery of the President, the Prime Minister, the Speaker of the Sejm, the Speaker of the Senate, the Minister of the Environment, the President of the Supreme Chamber of Control and the President of the Government Legislation Centre as early as in 2010. The issue was finally taken on by the Ministry of Foreign Affairs and the Ministry of Agriculture and Rural Development, though they were unable to take a position, resulting in a letter of complaint regarding incorrect settlement of the case sent to the Prime Minister. In the following years actions were taken to resolve the issue of existing legal discrepancies. Finally, in 2013 the case was handed over to the

Supreme Chamber of Control in form or its recommendations to the then-designed inspection of animal production installations in Poland (Experts' panel – inspection “Supervision of animal farm operation”, Supreme Chamber of Control, Warsaw, 19/11/2013). In its conclusions from the inspection regarding “Supervision of animal farm operation” carried out in 2014, the Supreme Chamber of Control indicated the failure to introduce regulations implementing international legislation including the regulations of Annex III to the Helsinki Convention into the Polish legal system with regard to animal farm operation in Poland.

In spite of all the efforts described herein, Poland has not announced the amended text of the Helsinki Convention in its Journal of Laws yet, making it impossible to work on its full implementation and transposition into the Polish legal system and thus to correct non-compliance between national legislation and requirements of international law binding for Poland. Discussions between ministries are known to be under way regarding the ratification of amendments to Annex III of the Helsinki Convention, pursuant to article 12 section 2 of an act of 14 April 2000 on international agreements (Journal of Laws no. 39, item 443, as amended), involving the Ministry of Environment and the Ministry of Agriculture and Rural Development.

Identification of the legal problem described above, raising public awareness of the issue and drawing attention of government bodies, supervisory authorities and NGOs dealing with environmental protection (both on local and international level) can be deemed a definite success of Federacja Zielonych “GAJA”. The extended period over which the problem remains unresolved as well as incapacity of the relevant ministries to work out solutions that would, on one hand, enable Poland to fulfil its obligations included in Annex III with regard to international relations with a simultaneous lack of such obligations in internal relations, and on the other hand facilitate smooth implementation of

the Helsinki Convention clauses without detriment to farmers these regulations address (developing financial and advisory support based on the EU mechanism of agricultural subsidies) are, however, a failure.

Unwillingness to act or even lack of interest in the case herein on the part of appropriate ministries are definitely a reason for such delays. Misperception of Polish farmers' interest on the part of the Ministry of Agriculture may also be a factor here – solutions described in the amended Annex III to the Helsinki Convention are not hostile to farming activity, on the contrary – they aim to obtain standards as close to sustainable farming as possible in the Baltic Sea basin, meaning ensuring stable growth and development of farming production coupled with protection of the natural environment. In the long run the environmental interest should be deemed as identical to a rational interest of the agricultural sector dependent on natural resources both for plant and for animal production.



photo: Federacja Zielonych “GAJA”

Cracow Smog Alarm

Emilia Ślimko

Krakowski Alarm Smogowy (KAS, Cracow Smog Alarm) is a social movement established in an reaction to the extremely poor air quality in Cracow. At the end of 2012, several Cracovians concerned with the health of their families decided to approach municipal authorities with a call for effective actions to improve air quality in the city. Prior to that, they had studied experts' opinions commissioned by the Małopolskie Voivodeship Marshal's Office, which indicated that individual coal furnaces were the main source of air pollution in Cracow. As it turned out, the efforts extended to date failed to bring the desired results, namely improvement in air quality meeting legal requirements, and the studies suggested that such improvement may only be achieved with a total ban on the use of solid fuels. In parallel, the KAS team launched an extensive Facebook-based awareness campaign aimed at Cracow citizens and intended to educate them as to the scale of air pollution they were facing. The Facebook profile became so popular that it led to an efficient mobilization and dynamic growth of the movement. A year since its establishment KAS formalized its operations in form of an association. The organization is now active through campaigns and projects aimed at improving air quality in Cracow, Małopolskie Voivodeship and the whole Poland. One of the most meaningful KAS achievements was the adoption of the so-called anti-smog ruling by the Małopolskie Voivodeship Parliament, imposing restrictions on using solid fuels in Cracow. Even though the ruling was later reversed following a court decision on its illegality, now that the amendment to the Environmental Protection Law Act was signed by President Andrzej Duda, the ruling stands high likelihood to come into life again, in an even stricter shape.



photo: Anna Dworakowska

Since its inception, KAS has always focused on two types of activities – providing information on pollution in Cracow and working together with representatives of the city and the voivodeship to implement its objectives. Apart from publishing regular updates on the scale of pollution and its health effects on the social media profile, KAS has prepared a petition – a call for the Małopolskie Voivodeship Parliament to take effective actions, and in particular to introduce a ban on using coal and other solid fuels in households, taking into account an intermediary period of a few years for updating heating installations. The petition was signed by more than 17 000 people.

Furthermore, actions were undertaken in the public space – at the beginning of 2013 a happening with empty strollers was staged (about 200–300 people participated; the empty strollers were to symbolize the situation of children in Cracow, unable to leave their homes in winter due to smog) and the anti-smog march (about 2000 people participated), organized right before the Voivodeship Parliament vote on the ruling to restrict the use of solid fuels. The anti-smog march was a major success as it showcased the significance of the problem as well as the involvement of inhabitants. Also in 2013, thanks to cooperation with friendly advertising agencies and other entities, the association organized

2 outdoor campaigns – posters stating “We don’t want to breathe smog” were put up on several dozen billboards and citylights, among other things.



Photo: Anna Dworakowska

From the very beginning, communication between KAS and the municipal and voivodeship authorities has been satisfactory. KAS member Anna Dworakowska clearly states that Cracow and Małopolska authorities have always been open to a dialogue related to air quality. They are also aware that air pollution in Krakow is a topic of interest to really many inhabitants and that the social movement is gaining momentum. The association team decided to focus on regular communication with the Mayor, the Municipal Council members and the Voivodeship Parliament representatives. Supported by recommendations from studies prepared for the Marshal’s Office, the team advocated for the introduction of a ban on solid fuels in the meetings, backed by growing public support for the adoption of such a solution. Moreover, the proposed ban gained support of the Cracow Mayor, Jacek Majchrowski, making it much easier to convince the Municipal Council members and the Voivodeship Parliament representatives to support it. Even though studies prepared for the Marshal’s Office were relatively cautious in expressing their views of how realistic the adoption of such a ban may be due to costs, thanks to the public intervention the authorities were convinced that financing the implementation of ban assumptions was possible, utiliz-

ing funding available from the Ministry of Environment and the Regional Operational Programme for the Małopolskie Voivodeship, among other sources. The whole process involved one more favourable factor – a 3-year Air Protection Program was to be established until the end of September 2013. The fact helped the KAS team to pressurize the officials so that a ban on solid fuels would be included in the document. A few months of regular communication and discussions resulted in the development of a draft ruling, with the KAS team and other Cracow – based NGOs invited as consultants. Once the draft ruling was publicized for social consultations, KAS was efficient in mobilizing the public to send in their feedback (all in all roughly 2000 persons and entities submitted their comments) and to monitor the whole legislative process. Apart from the ban on solid fuels, the public also demanded subsidies/reimbursements for the replacement of old furnaces and an assistance programme for the most vulnerable populations (which was included in the petition from the very beginning). During the consultation process, KAS referred to calculations and opinions of specialists indicating the potential to increase funding for the assistance program, which indeed resulted in extension of funds available. Currently, as the ruling is undergoing repeated proceedings, KAS has been mobilizing the public again to monitor it, participate in consultations (4500 persons have submitted their feedback this time) and in public hearing of the ruling (in late November 2015).

As mentioned above, introducing a ruling banning the use of solid fuels in Cracow is possible legally in the view of the amended Environmental Protection Law signed by President Andrzej Duda in October 2015. KAS was one of the organizations actively involved in working with Polish MPs to gain their support for the amendment. At the same time, the team has undertaken the effort to meet the President directly – during his stay in Cracow (handing over filters from a Cracow air monitoring station in form of symbolic pictures) as

well as by organizing a meeting at the President's Chancellery to hand over the petition urging the President to sign the amendment, signed by 11k people (the petition was organized together with the Akcja Demokracja foundation).

Media involvement was one of the most significant factors contributing to raising awareness of the Cracow air pollution problem and at the same time influencing the decision makers. From the very start, the KAS team made sure to develop good relationships with journalists interested in environmental issues, thanks to which each of its public actions receive coverage from local media, and since recently from national media as well. The involvement of multiple experts, researchers, physicians and artists in the campaign, using their knowledge and authority to support KAS, is also important.

On the other hand, a certain degree of suspicion as to the intent of the movement initiators was one of the factors initially hindering contacts with the authorities. As Anna Dworakowska recalls, many people used to think back when they started that their objective was to gain political backing to pursue their own agendas, be them businesslike or political in nature. Over time, however, the reluctance turned into willingness to work together and trust in the quality of operations and know – how of the team. In her opinion the fact

KAS is independent from any political or business influence is a large upside, just as is its willingness to work together with any entity with congruent goals.

Currently KAS supports the development of similar initiatives in various regions of Poland by providing them with knowledge and organizational support; as a result, Polski Alarm Smogowy (Polish Smog Alarm) was established.

KAS success factors:

- clear objective and transparent operational strategy
- openness to dialog and cooperation with local and central authorities coupled with lack of political links
- high degree of social capital backing activities and objectives of the movement
- cooperation with the media, multiple experts, researchers, physicians and artists
- referring to objective studies and calculations
- solid knowledge base
- developing strong communities in the social media
- monitoring legislative processes and taking adequate actions (readiness to react).



photos: Anna Dworakowska

Developing pathways for cooperation with government administration authorities

Danuta Pająk-Bener – Polish Ecological Club

Communication with the government administration authorities is an asymmetrical relationship, wherein an NGO needs to exhibit substantive background, persistence, knowledge of objectives and tasks of a relevant administrative body and information acquisition skills. It is also worth remembering that the authorities are not obliged to take into account the requests, suggestions and feedback from NGOs, even though they might be willing to collect such input.

The administrative authorities base their actions on internal guidelines, experts' opinion and legal regulations. Thus if an organization is capable of long term cooperation and has expert background in a given issue combined with legal literacy, it can take on such communication. This is not, however, equivalent to a positive resolution of the case it is dealing with, as evidenced by examples provided in further part of this brochure, but at least a working relationship may be initiated.

The experience of our project shows that determining the scope of duties for each administrative entity involved should be the first step to such relationship. In case of nitrate and phosphate pollution of the Baltic Sea, at least three relevant entities were determined: the Ministry of Agriculture, the Ministry of Environment and the National Water Management Board. Such collective responsibility is definitely a negative factor, facilitating virtually limitless re-routing of requests, comments and memos by entities approached to other entities, which may or may not agree to such re-routing. As a result, the circulation of letters can be prolonged so much that the issue in question becomes invalid.

Personal communication with administration representatives, on the other hand, can provide a good open-



photo: archive PKE

ing. Establishing rapport with an official dealing with the case or delegated to participate in a conference or workshop gives access to updated case information while still waiting for an official written reply, even though such information may not be binding.

Keeping up communication with the administration generally results in invitation to consultations. It is a significant part of all efforts as consultations are not a given, in particular because of how likely it is to overlook them. Some government entities have a separate consultations tab on their websites, but some others do not, such as the Ministry of Agriculture. Dates may be an additional obstacle (usually scheduled not much in



photo: archive PKE

advance, e.g. 3 weeks). Spotty verification of consultation notices may result in overlooking them and giving up the chance to express one's views. This is why an invitation extended by an administrative authority the organization communicates with is invaluable.

When working on government document drafts (legal acts, regulations, assumptions to acts, strategies, programmes, government positions with regard to MP act drafts), participation in consultations means public consultations with an objective of gathering feedback on governmental document drafts from entities from outside the governmental bodies and authorities, and in particular from nongovernmental organizations and individual citizens who may wish to provide such feedback. These are usually conducted in an open and general manner, providing each citizen with access to the documents in question and opportunity to provide feedback, as well as obtain comprehensive responses to the feedback provided (<http://www.rcl.gov.pl/book/?q=node/540>). The submitted feedback is analysed, annotated with responses and put up on the website.

Getting other organizations involved in the consultation process and preparing a joint position may serve as further reinforcement in communication with the authorities.

NGO activity can take a very practical dimension. In case of the aforementioned project, it resulted in invitation extended to an organization member to participate in the Consultation Council of the National Water Management Board.

The recommended cooperation path is based on 5 elements:

1. initiating communication on a given issue and exchanging information
2. determining scope of responsibility for that issue
3. participating in consultations on the document draft-

ing stage, or if that is not possible, on the proceeding stage

4. involving other organizations if possible
5. continuing cooperation in feasible forms.



photo: archive PKC

Summary

The cooperation path model developed herein constitutes the own experience of the entity implementing the project. In spite of frequent communication with representatives of government administration and the success of being involved in the Consultation Council of the National Water Management Board, no specific consultation pattern was adopted by the administration (Ministry of Agriculture and Ministry of Environment) to work with NGOs. The terms of office affecting relevant authorities turned out to be an insurmountable barrier. What is important, however, is that the experience is not merely of individual character. Another organization developed a very similar model of operation (the KAS experience described below) working in different circumstances and on another issue. Taking into account that the legal solutions adopted are not exhaustive, the model will definitely be put to use again.

Position of non-governmental organizations engaged in activities for a good water status, water policy and amendments to the “Water Act” (pl. Prawo wodne)

Warsaw, 28th January 2016

Representatives of non-governmental organizations engaged in activities to achieve good water status hereby make the following statements:

1. We are concerned about the state of Polish waters. Contaminated water in rivers cause not only a loss of aquatic ecosystems, but are also damaging to the economy. Underground waters, which are the last, strategic stock of drinking water, are insufficiently protected and incorrectly used.

It is estimated that losses in the infrastructure, industry, municipal economy, as well as social and environmental damages caused by contaminated water exceed manifoldly the expenditures on water management from the State Budget.

The existing water management system led practically to the elimination of Polish rivers which have been replaced by channels in 86% and the creation of almost 30 000 flow-through ponds. These trends must be reversed.

Although the contaminated water is the cause of such serious losses, Poland has not conducted comprehensive research on its impact on the health of the population and the economy. Not only are we unable to determine sufficiently accurately the scale of these phenomena (estimates are made by analogy to foreign studies), but we do not either know the trends of their development, not to mention counteractions.

2. Moreover, aquatic ecosystems, and especially rivers and streams, are degraded on a mass scale as a result of the implementation of hydraulic engineering and drainage projects without economic justification,

conducted with the use of environmentally harmful, outdated technical solutions. By contrast, it ignores the non-investment solutions such as small water retention, creating midfield water hole, the use of old river beds, or creating relief channels, which, on the one hand, reduce flood waves, and, on the other hand, help preventing droughts.

3. The organizations have recognized that the cause of the poor condition of water and water-related environments lies in a faulty water policy pursued by successive governments of the Republic of Poland – at least since the publication of the Directive of the European Parliament and Council 2000/60/EU in the field of European water policy. The results of these omissions are visible in European Commission's complaints, sent not only to the Polish Government but also to the EU Court of Justice for infringement by Poland of the provisions of the Water Framework Directive 2000/60/EU and the Nitrates Directive 91/676/EEC.

4. As a result of these discussions the organizations have found it necessary to take the following actions:

I. WATER MANAGEMENT

- It is necessary that the law comes to recognize water, just like land and forests, as a national asset that must be protected in the first place as a resource strategic for Poland, as written in the preamble to the WFD.
- It is urgent to change the provisions of Article 11 of the Law of 4 September 1997 (consolidated text Journal of Laws 2007 No 65, item 437) on government administration divisions, in a way that reflects the spirit and letter of the modern water policy.
- It is urgent to develop and adopt a water policy law

compliant with the spirit and the letter of Directive 2000/60/EU.

- d) It is urgent to develop and adopt a law on a policy for emergency relief for situations caused by water, in accordance with the spirit and the letter of Directive 2007/60/EU, which would comprehensively regulate all activities leading to a reduction of losses caused by the water element.
- e) One should also reform the water management structures in such a way as to build a hierarchical three-tier “catchment-area structure” for the Water Management Organizational Units (JOGW), whose directors would be responsible for the condition of surface and groundwater and the environments related to water in their relevant remit areas which extend beyond the boundaries of the voivodship and corresponds to catchment areas. All bodies of water must have one administrator, which implies the elimination of ZMiUW (Directorates for Drainage and Water Installations).
- f) If JOGW directors are to be able to enforce responsibility for the state of the resources the proper legal, organizational and financial conditions must be in place to implement the tasks entrusted to them. What is especially important is the change in the system of water management financing [the Water Framework Directive 2000/60/EU (Article 9) required the Member States to implement in 2010 the principle of “recovery of water services cost”]. Successive governments have failed to do so.
- g) JOGW will inherently be monopolists in their area of operations. They must therefore operate under the supervision of boards equipped with decision-making powers defined by the law.
- h) The law should guarantee an obligation to consult with environmental stakeholders for all activities that may have a significant impact on the water status, quantitative status and water-associated habitats, well as the status of high-quality water resources (e.g. sewage, road investments, regulation and maintenance of rivers, drainage, mining etc.).

II. PROTECTIVE MEASURES

- a) The protection of water and of the environments related to water should be prioritized over protection of mineral deposits.
- b) The law should effectively guarantee the protection of areas which supply groundwater, by imposing restrictions on the use of artificial fertilizers and chemical pesticides, as well as reduce the storage of substances that can pollute groundwater in areas prone to the migration of pollutants into groundwater. The objective of water management should be to preserve or to restore a good chemical and ecological status and ensure open access to good quality water for the residents of our country.
- c) It would be advisable to include financial support tools for farmers in the following areas:
 - proper management of animal manure
 - compensatory payments for receiving floodwater in floodplains used for agricultural purposes
 - recreating midfield water ponds and other natural reservoirs, as well as taking into account the provisions which give additional benefits to farmers who store water in the soil.
- d) The law should guarantee the possibility of solving local problems of waste water treatment, through the introduction of small but effective domestic sewage treatment installations in areas where the construction of a bigger sewer system is cost-ineffective and economically unjustified.
- e) The law should guarantee that, during the assessment of the quality of surface water bodies, the quality of sediments and suspensions be also considered.
- f) Industrial-scale water users should be required to collect water below the outlet of the treated waste water from their plant.

We hope that Poland shall pass a law guaranteeing to its citizens access to clean water, a basic natural resource, and ensuring the good status of aquatic ecosystems and water-dependent ecosystems.

| Contents:

2. Introduction | Danuta Pająk-Bener – Polish Ecological Club
3. Role of environmental organizations in the public consultation process on the example of document consultations with regard to water management | Maria Staniszevska – Polish Ecological Club
6. Implementation of Annex III of the Helsinki Convention in Poland | Jakub Skorupski, PhD – Federacja Zielonych “GAJA”
8. Cracow Smog Alarm | Emilia Ślimko
11. Developing pathways for cooperation with government administration authorities | Danuta Pająk-Bener – Polish Ecological Club
13. Position of non-governmental organizations engaged in activities for a good water status, water policy and amendments to the “Water Act” (pl. Prawo wodne)

| About the publisher:

Polish Ecological Club (PEC) was established in 1980. It is a nationwide membership, nonprofit organization. PEC is active on the field of environmental protection at the national level by the Main Board, regional – 7 Branches, local – by 54 Chapters.

The biggest successes are:

- Lead to the closure of the steelworks in Skawina, the largest polluter of Cracow – 1990.
- Co-creation of the law on organic farming – 2001.
- Establish the Climate Coalition – 2002.
- Postgraduate studies “Ecology, Ethics, Technique” were conducted with the University of Gdańsk – 1993–2012.

PEC participates in the activities of international organizations such as the Coalition Clean Baltic, Friends of the Earth, Pesticide Action Network, Transport and Environment.

PEC representatives participating in advisory boards, like Organic Agriculture Council at Ministry of Agriculture, and work of the Parliamentary Committee for Environmental and Agricultural.

Polish Ecological Club

Main Board

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