Warsaw, 22 October 2021

**With reference to the Call for Inputs of Special Rapporteur on human rights and the environment to the report on human rights and associated obligations related to toxic-free environments, to be presented to the United Nations Human Rights Council in 2022, Poland would like to present its responses to the selected questions from Special Rapporteur’s questionnaire.**

**Question 2.**

Although air quality in Poland has been improving for several years, there is still a problem with air pollutants such as particulate matter PM10 and PM2.5, bezno(a)pyrene, nitrogendioxide. Poland is divided into zones (46 zones in 2019, 45 zones in 2020) in which air quality is annually assessed. If there are areas with exceeding air quality standards in the zone, it is necessary to develop air protection programs. Air protection programs contain action plans that must be implemented to reduce pollutant concentrations.

The highest concentrations of particulate matter PM10 and PM2.5 and bezno(a)pyrene are in the south of Poland - Śląskie and Małopolskie voivodships. The problem with nitrogen dioxide is in large agglomerations (Katowice, Warsaw, Krakow), where there is the highest traffic.

An example of a contaminated site in Poland is the site of the former „Zachem” Chemical Plant in Bydgoszcz. The Regional Director of Environmental Protection in Bydgoszcz, as the competent authority in the field of direct threats of environmental damage and environmental damage, undertook the remediation of the contaminated land in this area. Problems related to the change of those who control the surface of the land, who are obliged to carry out the remediation, pose obstacles in carrying out remediation works in the area.

**Questions 3 and 9.**

The issues related to the protection of the land surface (soil and layers beneath the soil to the depth of the presence of degradation, called „ground”) against pollution and its repair, i.e. remediation, are currently regulated in the following legal acts:

1. The Act of 13 April 2007 on the prevention and repair of environmental damage, hereinafter referred to as the Damage Act, which transposes Directive 2004/35/EC of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, hereinafter referred to as the damage directive [covers soil and ground contamination after April 30, 2007, the so-called environmental damage in the earth's surface];

2. The Act of 27 April 2001 - Environmental Protection Law - chapter IV on the protection of the land covers historical pollution of the land surface, not covered by the damage directive.

Pursuant to the provisions of the Environmental Protection Act and the provisions of the Damage Act
if contamination of the land surface occurs, remediation should be carried out.

Poland being the EU Member State regulates industrial activities on the basis of EU legislation. As regards emission reduction and control measures especially relevant is directive 2010/75/EU on industrial emissions (IED)1 encompassing the most polluting installation representing various industrial sectors.

On this basis according to Polish environmental law industrial installation covered by the IED Annex I may be operated only if it holds so called integrated permit addressing impacts on all environmental components. What is especially important, permit conditions must be based on BAT (Best Available Techniques) elaborated in participatory process of information exchange between Member States, industry concerned and NGOs. Requirements derived this way are materialised by the Commission in a form of implementing decisions (so called BAT conclusions) which in Poland apply directly having major impact on permits conditions - in particular emission levels and associated monitoring.

It is also worth to mention that there are measures in place aiming to prevent soil and ground water contamination with hazardous substances, including soil quality standards. Moreover, the public have a possibility to participate actively in decision making process, in several well-defined circumstances regarding e.g. derogations from emission levels derived in the BAT conclusions. This procedure ensures that interest of citizens and local communities who wish to live in toxic free environment is well represented. Integrated permit regulates emissions to air, water and land (if needed) from installation or even on more disaggregated level of individual emissions sources using BAT conclusions as a reference. However, in cases where installation may endanger environmental quality standards permit conditions must be even stricter than BAT requirements. State of environment is regularly monitored by Environmental Inspection, which is also responsible for the onsite controls of industrial facilities e.g. to check compliance with permit conditions. Finally, as a general rule, no significant pollution should be caused and a high level of protection of the environment taken as a whole should be achieved. Therefore, the competent authorities are equipped in tools enabling them to withdraw a permit if installation endanger good quality of environment or pose a substantial risk for human life or health. In consequence operation of such installation must be stopped.

**Question 4.**

The permissible levels of hazardous substances are specified in the Regulation of the Minister of the Environment of September 1, 2016 on the method of assessing soil and ground pollution (Journal of Laws, item 1395).

**Question 6.**

An example of good practice in the prevention and repair of pollution in heavily polluted areas in Poland is the register of direct threats of environmental damage and the register of historical pollution of the land's surface, kept by the General Director for Environmental Protection and supplemented with data by regional environmental protection directors. These registers allow for monitoring and reporting of data on environmental damage and historical pollution of the land's surface. Through the ICT system, environmental protection authorities and environmental inspection authorities gain access to all data contained in these registers. Based on the above-mentioned registers, the General Director for Environmental Protection issues certificates on the entry of individual areas or the lack thereof in these registers, as well as provides information on proceedings regarding direct threats of environmental damage and environmental damage as well as historical pollution of the land's surface.

*Examples may involve monitoring concentrations of toxic substances in air*

The Chief Inspectorate of Environmental Protection realizes air quality monitoring in Poland. The results of air quality measurements are available for all on-line on the portal: “Jakość powietrza” <http://powietrze.gios.gov.pl/pip/home>.

If there is a risk of exceeding the alert level (e.g. particulate matter PM10), short-term activities which reduce air pollution are implemented (e.g. ‘don't use solid fuel (coal, wood) for heating’). The public is informed about these situations by radio, television.

*Examples may involve monitoring concentrations of toxic substances in water*

The State Environmental Monitoring in waters is realized by the Chief Inspectorate of Environmental Protection.

As part of the State Environmental Monitoring Program in Poland, monitoring of the chemical status of surface water bodies is carried out, inter alia.

Monitoring of the chemical status of surface water bodies is carried out in the form of research on groups of indicators or individual indicators of water quality for the purposes of:

1) the classification of the chemical status of surface water bodies and the study of trends in its changes, for which environmental quality standards (EQS) are determined. The studies of groups of indicators or individual indicators of water quality for the purposes of classification of chemical status include chemical elements both in surface waters and chemical elements in biota in waters;

2) analyses of long-term trends in changes in the concentrations of priority substances and other chemical pollutants for which environmental quality standards (EQS) are defined. The studies of groups of indicators or individual indicators of water quality for the purposes of the analyses, referred to here, include chemical elements in sediments or biota in surface waters.

The results of the classification on the chemical status of surface water and analysis of long-term trends in changes in the concentrations of priority substances and other chemical pollutants are submitted to PGW Wody Polskie, which is responsible for their implementation in the Water Management Plans and water remediation programs.