

Legal and administrative requirements for the development of unconventional gas

In accordance with the rules in force on 1 October 2015



Concession award

Preliminaries



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EIA procedure	Decision on the obligation to make the assessment
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	Decision on the permitted noise level (only if the permitted noise levels are exceeded)
	Permit for release of gas and particulates to the atmosphere
	Authorisation to remove trees or shrubs
	Authorisation to disturb birds and destroy protected habitats
	Decision authorizing temporary/permanent diversion of farmland from production
	Decision authorizing temporary/permanent diversion of timberland from production
Water conditions	Registration of chemicals and mixtures of chemicals
	Water permits
Water abstraction	Decision to release from the prohibition to perform works or other operations in high flood risk areas
	Decision to release from the prohibition to build erected structures, dig wells, ponds, holes or ditches closer than 50 m to the landside berm of a dike
Wastewater	Connection to a water supply or sewer system of a water utility
	Decision on the conditions for delivery of earthworks that change the water conditions
Infrastructural and building permits	Decision on the location of a public purpose project (DLPPP)
	Decision on site building-up and development conditions
	Road exit location consent
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	Real property expropriation decision
	Decision imposing limitations on real property use patterns
	Approval of a property sub-division scheme
	Procedure of granting the Building Permit (BP)
	Construction works notification procedure
Ownership	Construction of service connection facilities
	Entering into power supply contract
	Procedure of erected structure commissioning for operation
	Permit for archaeological work; permit for delivery of construction works at or in neighbourhood of historic landmarks
	Discovery of a potential historical artifact

Geological works
Approval of geological/investment documentation
Project approval decision
Operations Plan
Delivery of geological information

[Notification / approval of geological work programme \(if geological operations require delivery of geological works\)](#)

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Concession amendments

[Production phase extension](#)

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Abandonment

[Procedure of establishing a mining plant abandonment fund](#)

[Procedure of performance of entrepreneur's obligations in the event of production site / drill site abandonment, in total or in part](#)

[Procedure of delivering geological/surveying documentation of an abandoned production site / drill site](#)

[Demolition permit granting procedure](#)

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Reclamation

[Decision on land reclamation and management](#)

[Decision on the agreed conditions for delivery of remedial operations](#)

The procedure	<p>Announcement on the planned blocks and pre-tendering procedures</p> <p>Before a tender for the concessions for prospection and exploration of hydrocarbons or for the concessions for production of hydrocarbons from reservoirs, the Ministry of the Environment (MoE) makes an announcement giving details of the planned concession blocks; moreover, arrangements are made to enable the tender procedure in a particular area</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> Geological and Mining Law (GML), Art. 49f - Art. 49g
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> MoE as the licensing authority Polish Geological Institute - National Research Institute Respectively: Director of competent Maritime Office, Minister of Infrastructure and Development (MoID), commune head (mayor, city president)
Delivery of the procedure	<ul style="list-style-type: none"> Joint assessment of the geological prospectiveness by the Ministry of the Environment and Polish Geological Institute - National Research Institute, in order to identify blocks slated for licensing MoE's announcement (made by 30 June) with information about the blocks, including the boundaries thereof, that are intended for tendering the next year Arrangements, as required for tendering in a particular area, made by MoE with: (i) director of the competent maritime office, if the concession area is to be located in internal maritime waters, the territorial sea and the coastal belt, or (ii) with the MFI, if the concession area is located within the exclusive economic zones in case of on-shore concession areas, the commune head (mayor, city president) with jurisdiction over the planned concession area
Duration of the procedure	<ul style="list-style-type: none"> No deadlines imposed by the law
Required documents or information	<ul style="list-style-type: none"> Announcement published in PIB, at the page of MoE
Parties to the proceedings and public participation	<ul style="list-style-type: none"> MoE Polish Geological Institute - National Research Institute Respectively: Director of competent Maritime Office, MoID, commune head, (mayor, city president)

The procedure	<p>Eligibility procedure</p> <p>Eligibility assessment is a precondition for conducting any activities in the area of prospection and explorations of hydrocarbons and production of hydrocarbons from reservoirs.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • GML, Art. 49a - Art. 49b • Pending Council of Ministers' Ordinance to be issued pursuant to GML Art. 49a.18 • Code of Administrative Proceedings (CAP)
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • MoE - as the authority in charge of eligibility assessment • Inspector General of Financial Information, Financial Supervision Commission, Head of Internal Security Agency and Head of Intelligence Agency - as opinion-giving authorities
Delivery of the procedure	<ul style="list-style-type: none"> • Entity expressing interest in tendering for the award of a concession for prospection and exploration of hydrocarbons or a concession for production of hydrocarbons from a reservoir submits to MoE its application for eligibility assessment • MoE delivers the application to the Inspector General of Financial Information, Financial Supervision Commission, Head of Internal Security Agency and Head of Intelligence Agency in order to issue an opinion on whether the applicant's corporation is controlled by a third country, a third country's entity or citizen, and - in the event of such control - whether the control may pose a risk to national security • Opinion-giving authorities submit to MoE by way of decision their opinions within 30 days of the day the requests for eligibility assessment have been delivered • The MoE makes an assessment on whether the applicant that applies individually or jointly with other entities as the operator, holds adequate experience in prospecting for or exploration of hydrocarbons or in production of hydrocarbons from reservoirs • The MoE issues the decision • Potential appeal proceedings, if the decision is negative
Duration of the procedure	<ul style="list-style-type: none"> • Delivery of opinions by opinion-giving authorities: 30 days • Decision making by the MoE - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the request can be examined on the basis of evidence submitted along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
Required documents or information	<ul style="list-style-type: none"> • Request for eligibility assessment, including the appendices thereto (5 copies)
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The entity which intends to apply for the concession • Other entity that meets the criteria of a party, as defined by CAP Art. 28 • No public participation

<p>The procedure</p>	<p>Announcement of tendering procedure and appointment of tender committee</p> <p>MoE's announcement and appointment of the tender committee are the preconditions for launching the tender.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML, Art. 49h, Art. 49k.1, Art. 49l, Art. 49o.2 • Pending Council of Ministers' Ordinance to be issued pursuant to GML Art. 49o.2
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • MoE
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • Notification of the launch of tendering procedure for the award of concessions by MoE by publishing an announcement at MoE's PIB • Interested entity submits to MoE, within 7 days of the announcement publication day, a request for clarifications with regard to specific terms and conditions of the tender procedure • MoE is to publish the text of clarifications in MoE's PIB within 7 days of the request delivery date • MoE appoints members of the tender committee
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • The announcement of the launch of tender procedure should be published by the 90th day preceding the deadline for submission of tenders
<p>Required documents or information</p>	<ul style="list-style-type: none"> • The announcement of the launch of tender procedure • Standard form of mining usufruct agreement
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Any entity expressing interest in concession award

The procedure	<p>Submission of tendering proposals</p> <p>The concession is awarded by way of tendering procedure to the entrepreneur as defined by the Act on Freedom of Economic Activity (FEA).</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • GML, Art. 49h - Art. 49e, Art. 49j, Art49k.2, Art. 49o.1 • The FEA Act • Pending Council of Ministers' Ordinance to be issued pursuant to GML Art. 49o.1
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • MoE
Delivery of the procedure	<ul style="list-style-type: none"> • Other activities that are required for ensuring good operation of drill site(s) or production site(s) or abandonment and reclamation of the site(s) - Concession award
Duration of the procedure	<ul style="list-style-type: none"> • The entrepreneur submits to MoE, individually or jointly with one or more entrepreneurs (including the operator) a proposal that satisfies the terms and conditions of the tender and complies with the provisions of the pending Council of Ministers' Ordinance to be issued pursuant to GML Art. 49o.1
Required documents or information	<ul style="list-style-type: none"> • At least 90 days of the day of MoE's announcement of the tender
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • Favourable eligibility assessment

The procedure	<p>Selection of concession holder and concession award</p> <p>The procedure is intended to select the concession holder and award the concession</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> GML, Art. 49k.3, Art. 49m, Art. 49n, Art. 49o.3, Art. 49p - Art. 49v, Art. 49x Pending Council of Ministers' Ordinance to be issued pursuant to GML Art. 49o.3
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> MoE
Delivery of the procedure	<ul style="list-style-type: none"> Tender committee evaluates the collected proposals for compliance with the requirements, as specified in the tender announcement, considering tender evaluation criteria, as stated in the announcement Tender committee selects the highest rated proposal(s) Tender committee submits to MoE a signed written report on the tender MoE delivers the signed written report on the tender to all tender participants If any protests are lodged, within 14 days of tender report delivery, with MoE against tender activities made in violation of the provisions of the Act, MoE shall notify all tender participants of the protest made; MoE shall consider the protest within 14 days; if the protest is found justified, the protested activity shall be repeated. MoE requests the operator to deliver within 30 days to MoE a cooperation agreement, if the best proposal was submitted jointly by two or more entities; draft cooperation agreement is delivered to MoE; MoE may give an additional term (of 14 days) to remove any inconsistencies between the draft cooperation agreement and the tender or the Act; MoE notifies the operator of draft cooperation agreement compliance with the tender and the Act; operator delivers the cooperation agreement to MoE MoE awards concession to the best tenderer MoE enters into mining usufruct agreement with the best tenderer The best tenderer provides an adequate security
Duration of the procedure	<ul style="list-style-type: none"> Will depend on pending executive regulations and the terms and conditions of the tender
Required documents or information	<ul style="list-style-type: none"> Cooperation agreement, if the best tender is made jointly by two or more entities Mining usufruct agreement The concession
Parties to the proceedings and public participation	<ul style="list-style-type: none"> MoE Applicants for concession

The procedure	<p>Award of an independent concession for production of hydrocarbons from a reservoir</p> <p>The purpose of the procedure is to obtain a concession for production of hydrocarbons from a reservoir, if the entity has not been awarded beforehand a concession for prospection and exploration of hydrocarbons and for production of hydrocarbons from a reservoir under GML. Concession is awarded by way of tendering procedure conducted by MoE.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • GML, Art. 49e - Art. 49u, Art. 49w - Art. 49x • FEA Act, Art. 46-62 • Pending Council of Ministers' Ordinances to be issued pursuant to GML Art. 49o
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • MoE as the licensing authority
Delivery of the procedure	<ul style="list-style-type: none"> • MoE's announcement (made by 30 June) with information about the blocks, including the boundaries thereof, that are intended for tendering the next year • Arrangements, as required for tendering in a particular area, made by MoE with: (i) director of the competent maritime office, if the concession area is located in internal maritime waters, the territorial sea and the coastal belt, or (ii) with the MoID, if the concession area is located within the exclusive economic zone, (iii) the commune head (mayor, city president) with jurisdiction over the planned concession area, to ensure that the planned operations are without prejudice to the intended use of the property, as defined by GML Art. 7, in case of on-shore operations • Decision on the approval of geological project documentation and DEC delivered to MoE • Notification of the launch of tendering procedure for the award of concessions by MoE by publishing an announcement at MoE's PIB • Interested entity submits to MoE, within 7 days of the announcement publication day, a request for clarifications with regard to specific terms and conditions of the tender procedure • MoE is to publish the text of clarifications in MoE's PIB within 7 days of the request delivery date • MoE appoints members of the tender committee • The entrepreneur submits to MoE, individually or jointly with one or more entrepreneurs (including the operator) a proposal that satisfies the terms and conditions of the tender and complies with the provisions of the pending Council of Ministers' Ordinance to be issued pursuant to GML Art. 49o.1 • Tender committee evaluates the collected proposals for compliance with the requirements, as specified in the tender announcement, considering tender evaluation criteria, as stated in the announcement • Tender committee selects the highest rated proposal • Tender committee submits to MoE a signed written report on the tender • MoE delivers the signed written report on the tender to all tender participants • If any protests are lodged, within 14 days of tender report delivery, with MoE against tender activities made in violation of the provisions of the Act, MoE shall notify all tender participants of the protest made; MoE shall consider the protest within 14 days; if the protest is found justified, the protested activity shall be repeated. • MoE requests the operator to deliver within 30 days to MoE a cooperation agreement, if the best proposal was submitted jointly by two or more entities; draft cooperation agreement is delivered to MoE; MoE may give an additional term (of 14 days) to remove any inconsistencies between the draft cooperation agreement and the tender or the Act; MoE notifies the operator of draft cooperation agreement compliance with the tender and the Act; operator delivers the cooperation agreement to MoE • MoE awards concession to the best tenderer • MoE enters into mining usufruct agreement with the best tenderer • The concession-awarded Entrepreneur by virtue of the law enters into rights and obligations of the parties to the proceedings that have been concluded under decisions delivered to MoE before launching the tender • The best tenderer provides an adequate security with regard to any claims that may arise from operations delivered under the concession, if such security is required
Duration of the procedure	<ul style="list-style-type: none"> • Will depend on pending regulations and the terms and conditions of the tender
Required documents or information	<ul style="list-style-type: none"> • Eligibility approved • Announcement published in PIB, at the page of MoE • The announcement of the launch of tendering procedure • Standard form of mining usufruct agreement • The proposal • Cooperation agreement • Geological-development documentation of the reservoir of hydrocarbons • DEC, if required • The concession
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • MoE • Polish Geological Institute - National Research Institute • Respectively: Director of competent Maritime Office, MoID, • Commune head (mayor, city president) • Applicant for the concession • Other entity that meets the criteria of a party under CAP Art. 28

The procedure	<p>Mining usufruct granting</p> <p>Reservoirs of hydrocarbons are covered by mining ownership regardless of their location. Mining ownership right is vested with State Treasury that may use the object of mining ownership or dispose of its right solely by granting a mining usufruct right.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • GML, Art. 10 - Art. 13; Art. 16 - Art. 18, Art. 19, Art. 20, Art. 49s • The Civil Code - Art. 693 - Art. 709 • Geodesy and Cartography Law, provisions on real estates and their boundaries
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • State Treasury represented by MoE
Delivery of the procedure	<ul style="list-style-type: none"> • Understanding between MoE and MoID, if the mining ownership under concession is located within maritime waters of the Republic of Poland • Mining usufruct granted by way of an agreement, that must be made in writing in order to be valid, between MoE and the concession-awarded entrepreneur
Duration of the procedure	<ul style="list-style-type: none"> • No deadlines foreseen by the law, but the mining usufruct agreement takes effect with the day of concession award
Required documents or information	<ul style="list-style-type: none"> • The concession for prospection, exploration of hydrocarbons and for production of hydrocarbons from reservoirs or the concession for production of hydrocarbons from reservoirs • Mining usufruct agreement
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • MoE • The entrepreneur

The procedure	<p>The EIA procedure</p> <p>Under environmental impact assessment the project is assessed for, inter alia, direct and indirect effects on the environment, human health and living conditions. Projects subject to the EIA procedure fall into two categories: projects that may always have significant effects on the environment, that require a mandatory application of the EIA procedure each time the DEC is requested; and projects that potentially may have a significant effect on the environment that are subject to the EIA procedure only if required by public administration authorities.</p> <p>Unconventional gas prospection, exploration and production projects are not explicitly referenced in the EIA Regulation. However, some types of projects involving exploration and extraction of minerals from deposits are mentioned in the EIA Regulation.(DEC and the EIA procedure are not required for drilling to a depth of less than 5000 m (except for protected areas that are referred to in the EIA Regulation paragraph 3.1.43) .</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • EIA Act • EIA Regulation
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • Regional Directorate for Environmental Protection (RDEP) • Maritime Office Director - an opinion-giving authority under EIA procedure
Delivery of the procedure	<ul style="list-style-type: none"> • decision on the obligation to prepare an environmental impact assessment for a project that potentially may have a significant effect on the environment, including the scope of report and the decision to suspend the DEC procedure until the report is made; or the decision on the absence of grounds for environmental impact assessment • decision on the scope of the report, if the investor has submitted a Project Information Sheet (PIS) along with the request to specify the scope of the report for a project that has a significant effect on the environment • environmental impact report prepared in accordance with EIA Act Art. 66 • report verification and subsequent steps of the DEC procedure (see data sheet of the "DEC granting procedure")
Duration of the procedure	
Required documents or information	<p>See data sheet for the "DEC granting procedure" - EIA procedure is part of DEC granting procedure.</p>
Parties to the proceedings and public participation	

The procedure	<p>Obtaining the DEC</p> <p>The obligation to obtain DEC applies to projects specified in Art 72.1 of the EIA Act that always may have a significant effect on the environment and to projects that potentially may have a significant effect on the environment, as specified in the EIA Regulation.</p> <p>It is MoE obligation to obtain DEC before the tender procedure for the award of a concession for production of hydrocarbons from a reservoir is launched (all obligations to obtain DEC pass from the entrepreneur to MoE).</p> <p>Prospection/exploration works to a maximum depth of 5,000 m are not included in the EIA Regulation to any project category; therefore, they do not require DEC (except for protected areas under EIA Regulation paragraph 3.1.43).</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • GML Art. 49g • EIA Act Art. 59 - Art. 65 • EIA Act Art. 71 - Art. 87 • EIA Regulation
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • RDEP • Maritime Office Director - authority cooperating in the procedure of DEC granting
Delivery of the procedure	<ul style="list-style-type: none"> • Project assessment for obligation to hold DEC • if the planned project is attributed to any of the categories under EIA Regulation - a request for DEC granting is prepared and submitted • screening procedure intended to establish whether the project that potentially may have a significant effect on the environment is subject or not to EIA; pursuant to EIA Act Art. 63 the authority may impose the obligation to prepare EIA, following a request, made under EIA Act Art. 64, to issue an opinion on the need to prepare EIA and on the scope of the report, if the obligation to prepare EIA has been imposed • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, as the case may be; consultations with collaborating authorities • DEC granted
Duration of the procedure	<ul style="list-style-type: none"> • The total duration of the procedure is contingent, inter alia, on the kind of projects that are defined as having always or potentially a significant effect on the environment, or on the need for inputs by cooperating authorities. • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • Request for DEC • appendices to the request, as per EIA Act Art. 74, including: <ul style="list-style-type: none"> • PDS made in accordance with EIA Act Art. 3.1.5, or • environmental impact report made for the project in accordance with EIA Act Art. 66 • Proof of stamp duty payment for DEC granting • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The entrepreneur himself is a party. • Other parties are holders of legal title to the properties located within the project impact range (owner/joint owner, perpetual usufruct holder or with whom that right is vested by a particular law). Project impact boundaries are delimited using cadastral maps with the impact range marked, as appended to the request for DEC. • Entities that enjoy the right of a party are: <ul style="list-style-type: none"> • MoE as the licensing authority under GML Art. 49g.2 • environmental organisations under EIA Act Art. 44 - as a form of public participation

The procedure	<p>Waste production permit</p> <p>Waste producer must hold a waste production permit upon exceeding a specific weight of the waste produced.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Environmental Protection Law (EPL) Art. 180a • EPL Art. 184 - Art. 193
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • Provincial assembly speaker • RDEP, as a cooperating authority, under EPL Art. 187 • RDEP, as the authority in charge of permits issued for projects and events located in restricted areas, under EPL Art. 378.2 • District Head, as the authority in charge of permits issued in cases other than those listed above, under EPL Art. 378.1
Delivery of the procedure	<ul style="list-style-type: none"> • request submitted in accordance with the requirements of EPL Art. 184.2 • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • Provincial assembly speaker issues a waste production permit for indefinite or definite time of maximum 10 years
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • request made in writing according to EPL Art. 184.2 • appendices to the request, as per EPL Art. 184.4 • a proof of stamp duty payment for the permit granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The investor being the recipient of the permit and operating the installation and controlling the land surface, if a restricted use area has been established under EPL Art. 185, is primarily the party.

The procedure	<p>Decision on the approval of the extractive waste management programme</p> <p>Any waste holder is obliged to prepare and submit to the competent authority an extractive waste management programme before the commencement of extractive waste production or management operations, and to obtain a decision on the approval of that programme</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Extractive Waste Act Art. 8 • Extractive Waste Act Art. 9 • Extractive Waste Act Art. 11 • Extractive Waste Act Art. 40
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • Provincial assembly speaker, under Extractive Waste Act Art. 40.1.2 • District Mining Office (DMO) Director, as an opinion-giving authority, under Extractive Waste Act Art. 11.4 • Commune head, mayor, city president, as an opinion-giving authority, under Extractive Waste Act Art. 11.4 • Provincial Environmental Protection Inspector, as an opinion-giving authority mentioned in Extractive Waste Act Art. 27.9, under Extractive Waste Act Art. 11.4 • RDEP, for projects and events located in restricted access areas, under Extractive Waste Act Art. 40.1.1 • District head for other projects, under Extractive Waste Act Art. 40.1.3.
Delivery of the procedure	<ul style="list-style-type: none"> • request for a decision on the approval of Extractive Waste Management Programme (EWMP) with EWMP attached thereto, according to the requirements of Extractive Waste Act Art. 9.1 • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • Provincial assembly speaker approves the EWMP, provided that the request and EWMP contain all the necessary elements • Every 5 years the waste holder shall submit to the competent authority a review of EWMP; a failure to do so shall result in expiration of the decision on EWMP approval.
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • a request made in writing • EWMP prepared according to Extractive Waste Act Art. 9 • a proof of stamp duty payment for decision granting, as per Annex to the Stamp Duty Act • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • Waste holder himself being the recipient of the EWMP approving decision is primarily the party.

The procedure	<p>The decision on the permissible noise level</p> <p>As a general rule, the obligation to comply with permissible noise levels is imposed by operation of law and does not require any individual treatment in the form of administrative decisions. Only should it occur that the noise level is too high, the competent authority would issue a decision on the permissible noise level. Permissible noise levels may be exceeded at both exploration and production stages.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> EPL Art. 112 - Art. 120a Ordinance on the Permissible Noise Levels in the Environment
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> District head - at prospection/exploration stage Provincial assembly speaker - at production stage RDEP - if the project is to be located in a restricted access area
Delivery of the procedure	<ul style="list-style-type: none"> permissible noise level exceedance reported and the proceedings on the decision on permissible noise level are instituted ex officio under EPL Art. 115a.5 Based on EPL Art. 379, District head may request Provincial Environmental Protection Inspector to perform measurements of noise levels in the environment if the permissible noise levels are exceeded, District head shall issue a decision on the permissible noise emission standards
Duration of the procedure	<ul style="list-style-type: none"> Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> a notification made in writing with a description of noise nuisances measurement results to the effect that permissible noise levels have been exceeded beyond the drill/production site The concession for prospection and exploration of hydrocarbons and for production of hydrocarbons from reservoirs or the concession for production of hydrocarbons from reservoirs Mining usufruct agreement
Parties to the proceedings and public participation	<ul style="list-style-type: none"> The entrepreneur being the recipient of the decision is primarily the party. In addition, entities located in immediate neighbourhood of the noise emitting site can be the parties.

The procedure	<p>Permit for release of gas or of particulates to the atmosphere</p> <p>In principle, release of gas or particulates from installations to the atmosphere is subject to permission. Exemptions from this obligation are specified in the Ordinance on installations that do not require a permission. Moreover, the Ordinance on installations that require a notification shall apply.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • EPL Art. 184.2-4 and Art. 221.1-2 • EPL Art. 185 • EPL Art. 188 and Art. 224
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • Provincial assembly speaker, district head or RDEP under EPL Art. 378, depending on project nature or location
Delivery of the procedure	<ul style="list-style-type: none"> • request submitted in accordance with the requirements of EPL Art. 184.2-4 and Art. 221.1-2 • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • permission granted for definite time, but not longer than 10 years
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • request made in writing according to EPL Art. 184.2-4 and Art. 221.1-2 • appendices to the request, as per EPL Art. 184.4 • a proof of stamp duty payment for the permit granted • if a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The Entrepreneur being the recipient of the permit and operating the installation and controlling the land surface, if a restricted use area has been established under EPL Art. 185 for operation of the installation, is primarily the party.

The procedure	<p>Authorisation to remove trees or shrubs</p> <p>In principle, removing trees or shrubs from a real estate is subject to authorization.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Nature Conservation Act Art. 83 • Nature Conservation Act Art. 84 - Art. 89
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • Commune head, mayor or city president • Provincial Curator of Historical Monuments (PCHM), if the trees and shrubs have been entered to the register of historical monuments
Delivery of the procedure	<ul style="list-style-type: none"> • request submitted in accordance with the requirements of Nature Conservation Act Art. 83.4 • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • authorization for removal of trees or shrubs granted
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • request made in writing according to Nature Conservation Act Art. 83.4 • landowner's consent, if any required • if a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The applicant is primarily the party and if other than landowner – also the owner of the land.

The procedure	<p>Authorisation to disturb birds and destroy protected habitats (granted pursuant to Nature Conservation Act Art. 56)</p> <p>The authorization is required if the project is to be implemented against the existing prohibitions with regard to protected animal or plant species.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Nature Conservation Act Art. 56 • provisions of the Ordinance on the protection of animal species • provisions of the Ordinance on the protection of plant species • provisions of the Ordinance on the protection of wild mushrooms and fungi
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • RDEP - for a majority of operations within the area of its jurisdiction and offshore areas • General Directorate for Environmental Protection (GDEP) - for certain activities and projects located in more than two provinces • MoE for national park areas
Delivery of the procedure	<ul style="list-style-type: none"> • request submitted in accordance with the requirements of Nature Conservation Act Art. 56.6 • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • Authorisation to disturb birds and destroy protected habitats granted • The authorisation is subject to withdrawal if the holder fails to comply with the terms and conditions thereof
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • request made in writing according to Nature Conservation Act Art. 56.6 • a proof of stamp duty payment for the authorisation granted • if a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The applicant is primarily the party and, if other than landowner – also the owner of the land

The procedure	<p>Decision authorizing temporary/permanent diversion of farmland from production</p> <p>Farmland with soils of mineral and organic origin, attributed to categories I, II, III, IIIa, IIIb, and farmland of categories IV, IVa, IVb, V and VI with soils of organic origin, as well as land referred to in Land Conservation Act Art. 2.1.2-10, that have been previously designated as other than farmland and timberland, may be diverted from production under a decision enabling that diversion. In principle, category I-III farmland used for agricultural production may be designated as other than farmland or timberland under a local planning scheme (LPS), subject to the consent of competent authorities. This requirement shall not apply to temporary - for a period of maximum 10 years - diversion of such land from production, as required for the purposes of prospection and exploration of hydrocarbons. In that case it is possible to request from the onset the decision enabling the diversion.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Land Conservation Act Art. 4.6 and 4.11 • Land Conservation Act Art. 7 • Land Conservation Act Art. 11
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • In principle - district head
Delivery of the procedure	<ul style="list-style-type: none"> • request made • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • decision enabling the diversion granted
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • a request made in writing • decision on site building-up and development conditions (SDCD)/on location of public purpose projects (LPPP), if any issued, or a copy of and an extract from LPS, if any in effect for a particular area • certificate of legal title to dispose of real property • landowner's written consent to dispose of real property for building purposes, if the investor is other than landowner • development design for real properties under the request with the area to be diverted clearly marked • a document enabling the assessment of market value of the land to be diverted (e.g. expert's opinion, a notarial deed) • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment • The decision on farmland diversion is exempted from obligation to pay stamp duty (Stamp Duty Act Art. 2.1.2 and Art. 3); however, applicable fees are charged under Land Conservation Act Art. 12.7
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • Applicant/investor, landowners or perpetual usufruct right holders of the property intended for project development are the parties

<p>The procedure</p>	<p>Decision authorizing temporary/permanent diversion of timberland from production</p> <p>Timberland that has been previously designated as other than farmland and timberland, may be diverted from production under a decision enabling that diversion. In principle, timberland may be designated as other than farmland or timberland under a local planning scheme (LPS), subject to the consent of competent authorities. This requirement shall not apply to temporary - for a period of maximum 10 years - diversion of timberland from production, as required for the purposes of hydrocarbons prospecting and exploration. In that case it is possible to request from the onset the decision enabling the diversion.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Land Conservation Act Art. 4.6 and 4.11 • Land Conservation Act Art. 7 • Land Conservation Act Art. 11
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Director of Regional Directorate of State Forests • National Park Director, for national parks
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • request made • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • decision enabling the diversion granted
<p>Duration of the procedure</p>	<p>Immediately or, in complex cases, up to 2 months of delivering a complete documentation</p>
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a request made in writing • decision on site building-up and development conditions (SDCD) or on location of public purpose projects (PPPLD), if any issued, or a copy and an extract from LPS, if any in effect for a particular area. • certificate of legal title to dispose of the real property • consent of landowner(s), if any • development design for real properties under the request with the area to be diverted clearly marked • a document enabling the assessment of market value of the land to be diverted (e.g. expert's opinion, a notarial deed) • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment • The decision on timberland diversion is exempted from obligation to pay a stamp duty (Stamp Duty Act Art. 2.1.2 and Art. 3); however, applicable fees are charged under Land Conservation Act Art. 12.11
<p>Parties to the proceedings and public participation</p>	<p>Applicant/investor, landowners or perpetual usufruct holders of the property intended for project development and forest inspector as timberland manager are the parties</p>

The procedure	<p>Registration of chemicals and mixtures of chemicals</p> <p>A liquid mixture of water, sand and chemicals is used for hydraulic fracture stimulation. This involves obligations with regard to production, marketing and application of chemicals</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • REACH Regulation • Act on Chemicals and Mixtures of Chemicals
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • The Inspector for Chemicals
Delivery of the procedure	<ul style="list-style-type: none"> • first, the type of activity under REACH Regulation should be identified; entities using chemicals for hydraulic fracture stimulation may be attributed to downstream users under REACH Regulation Art. 3.13 and the Act on Chemicals and Mixtures of Chemicals Art. 2.12 • fulfilment of secondary user's obligations under the Act on Chemicals and Mixtures of Chemicals and REACH Regulation • it is recommended to prepare a list of substances that are used in hydraulic fracture stimulation processes • it is recommended to contact each member of the chain of supply and check whether they complied with REACH requirements • delivery of information to ECHA
Duration of the procedure	<p>The provisions of REACH Regulation are directly applied</p>
Required documents or information	<p>According to REACH Regulation Art. 38.2, information provided by downstream user includes, but is not limited to:</p> <ul style="list-style-type: none"> • user identification and contact data, as specified in section 1.1 of Annex VI to REACH Regulation • registration numbers that are referred to in REACH Regulation Art. 20.3, if available • identification data for substances specified in sections 2.1-2.3.4 of Annex VI to REACH Regulation • identification data of producers, importers and other suppliers, as specified in section 1.1 of Annex VI to REACH Regulation • a succinct description of application, according to the requirements of section 3.5 of Annex VI to REACH Regulation and a description of application conditions • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<p>The user/investor is primarily the party</p>

Water conditions
water abstraction
wastewater

Water law permits

- [Water law permit for abstraction of surface or ground waters](#)
- [Water law permit for discharge of wastewater to the waters or to the ground](#)
- [Water law permit for construction of water installations](#)
- [Water law permit for discharging, to sewer systems owned by other entities, industrial wastewater containing substances that are particularly harmful to the aquatic environment](#)

<p>The procedure</p>	<p>Water law permit for abstraction of surface or ground waters</p> <p>According to the provisions of Water Law, abstraction of surface or ground water is a special use of waters which is subject to water law permit</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Water Law Art. 122.1.1 to be read in conjunction with Art. 124.8 • Water Law Art. 126 - 128 • Water Law Art. 131 - 132 • Water Law Art. 140
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • In principle - district head • Provincial assembly speaker - for, inter alia, water abstraction associated with projects that may always have a significant effect on the environment • Regional Water Management Board (RWMB) Director - if special use of water takes place, all or in part, in restricted access areas, unless otherwise provided by separate regulations.
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • request for water law permit • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • competent authority grants a water law permit for a definite time of maximum 20 years
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a request made in writing (along with documentation that is specified in the Water Law Art. 131.2-3) • statement of water management conditions prepared according to Water Law Art. 132 • a description of the planned operations, written in plain language • a proof of stamp duty payment for the decision granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Parties to the proceedings in the award of water law permit for abstraction of surface or ground water, are: <ul style="list-style-type: none"> • the applicant who requests a water law permit • owner of the water • owner of a water installation located within the range of the planned water use • holders of land located within the range of impact from the planned water use • those authorised to fish within the range of impact from the planned water use <p>The Parties may be notified of the decisions and other acts of public administration authorities by way of public notice or other public communication format that is generally accepted in a particular locality, in accordance with CAP Art. 49.</p>

<p>The procedure</p>	<p>Water law permit for discharge of wastewater to the waters or to the ground</p> <p>Wastewater discharge to the waters or to the ground is subject to water law permit. Discharged wastewater must be properly treated.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Water Law Art. 37 • Water Law Art. 122.1.1 • Water Law Art. 126 - 128 • Water Law Art. 131 - 132 • Water Law Art. 140 • Wastewater Ordinance
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • In principle - district head • Provincial assembly speaker - for water abstraction associated with projects that may always have a significant effect on the environment • RWMB Director - if special use of water takes place, all or in part, in restricted access areas, unless otherwise provided by separate regulations.
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • request for water law permit • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • competent authority grants a water law permit for a definite time of maximum 10 years
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a request made in writing (along with documentation that is specified in the Water Law Art. 131.2-3) • statement of water management conditions prepared according to Water Law Art. 132 • a description of the planned operations, written in plain language • a proof of stamp duty payment for the decision granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Parties to the proceedings in the award of water law permit for discharge of wastewater to the waters or to the ground, are: <ul style="list-style-type: none"> • the applicant who requests a water law permit • owner of the water • owner of a water installation located within the range of the planned water use • holders of land located within the range of impact from the planned water use • those authorised to fish within the range of impact from the planned water use • The Parties may be notified of the decisions and other acts of public administration authorities by way of public notice or other public communication format that is generally accepted in a particular locality, in accordance with CAP Art. 49.

The procedure	<p>Water law permit for construction of water installations</p> <p>Construction of, for example, on-site water well or other facilities for abstraction of surface or ground water, including water facilities intended for wastewater discharge, is subject to water law permit.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Water Law Art. 9.1.19 • Water Law Art. 122.1.3 • Water Law Art. 126 - 128 • Water Law Art. 131 - 132 • Water Law Art. 140
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • In principle - district head • Provincial assembly speaker - for, inter alia, water abstraction associated with projects that may always have a significant effect on the environment • RWMB Director - if special use of water or construction of water facilities, takes place, all or in part, in restricted access areas, unless otherwise provided by separate regulations.
Delivery of the procedure	<ul style="list-style-type: none"> • request for water law permit • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • water law permit granted by the competent authority; the term of permit validity is not specified for water installations.
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • a request made in writing (along with documentation that is specified in the Water Law Art. 131.2-3) • statement of water management conditions or the design of water installations, made according to Water Law Art. 132 • a description of the planned operations, written in plain language • a proof of stamp duty payment for the decision granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • Parties to the proceedings in the award of water law permit for construction of water installations, are: <ul style="list-style-type: none"> • the applicant who requests a water law permit • owner of the water • owner of existing water installation located within the range of impact from the planned water installations • holder of land located within the range of impact from the planned water installations • those authorised to fish within the range of impact from the planned water installations • The Parties may be notified of the decisions and other acts of public administration authorities by way of public notice or other public communication format that is generally accepted in a particular locality, in accordance with CAP Art. 49.

<p>The procedure</p>	<p>Water law permit for discharging, to sewer systems owned by other entities, industrial wastewater containing substances that are particularly harmful to the aquatic environment</p> <p>A water law permit is required, if industrial wastewater containing substances that are particularly harmful to the environment is discharged to sewer systems owned by other entities. Discharged wastewater must be properly treated.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Water Law Art. 122.1.10 • Water Law Art. 126 - 128 • Water Law Art. 131 - 132 • Water Law Art. 140 • Ordinance on particularly harmful substances • Ordinance on compliance with obligations of industrial wastewater producers
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Provincial assembly speaker - for discharge of industrial wastewater containing substances that are particularly harmful to the aquatic environment, associated with projects that may always have a significant effect on the environment
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • request for water law permit • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • Provincial assembly speaker grants a water law permit for a definite time of maximum 4 years
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a request made in writing • statement of water management conditions prepared according to Water Law Art. 132 • a description of the planned operations, written in plain language • a proof of stamp duty payment for the decision granted • a consent made in writing by the owner of sewer facilities • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Key parties to the proceedings are: the applicant and the owner of sewer facilities that are to receive industrial wastewater containing substances that are particularly harmful to the aquatic environment.

The procedure	<p>Decision to release from the prohibition to perform works or other operations in high flood risk areas</p> <p>In principle, it is prohibited to deliver in particularly high flood risk areas any works and operations that adversely affect flood prevention or aggravate the risk of flood. A release from the above mentioned prohibitions is possible solely by way of administrative decision made by RWMB Director.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Water Law Art. 881 • Water Law Art. 40.1.3 read in conjunction with Art. 40.3
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • RWMB Director • Director of competent Maritime Office with regard to coastal belt
Delivery of the procedure	<ul style="list-style-type: none"> • a request is made in writing • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • RWMB Director grants a decision on the release from the prohibition to perform the works and other operations
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
Required documents or information	<ul style="list-style-type: none"> • a request made in writing • characteristics of the planned operations including key technical data and a description of the planned technology of works • a topographic map with the layout of planned facilities and works marked and, if necessary, hydraulic and hydrological calculations • a proof of stamp duty payment for the decision granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • Key parties to the proceedings are: the applicant, water owner and the owner of flood dike.

<p>The procedure</p>	<p>Decision to release from the prohibition to build erected structures, dig wells, ponds, holes or ditches closer than 50 m to the landside berm of a dike</p> <p>In principle, it is prohibited to build erected structures, dig wells, ponds, holes or ditches closer than 50 m to the landside berm of a dike in order to ensure that the dykes are tight and stable. Only the Provincial Assembly Speaker may release from that obligation by way of an administrative decision.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Water Law Art. 88n
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Provincial Local Assembly Speaker
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • a request is made in writing • case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • Provincial assembly speaker grants the decision on the release from the prohibition to perform the works
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a request made in writing • characteristics of the planned operations including key technical data and a description of the planned technology of works • topographic map with the layout of the planned works marked • a proof of stamp duty payment for the decision granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Key parties to the proceedings are: the applicant, water owner and the owner of flood dike

<p>The procedure</p>	<p>Connection to a water supply or sewer system of a water /sewer utility</p> <p>Connecting to the water supply/sewer system of a local utility or to the rural water supply network is a potential approach to ensuring water supply Normally, water utilities also provide wastewater disposal services. This is the most convenient solution, but prospection and exploration operations are usually conducted in areas that are not equipped with water supply/wastewater infrastructure.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Collective Water Supply Act Art. 6 • Collective Water Supply Act Art. 10 • Collective Water Supply Act Art. 15.2-3 • Collective Water Supply Act Art. 19 • Collective Water Supply Act Art. 20 • Wastewater Ordinance • Ordinance on compliance with obligations of industrial wastewater producers
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Water/sewer utility
<p>Delivery of the procedure</p>	<p>Delivery of the procedure may vary from one commune to another where the entrepreneur applies for connection to the network of a local water/wastewater utility. Therefore, it is recommended to contact the selected water/sewer utility in order to get more specific information about the required documents.</p> <ul style="list-style-type: none"> • the investor submits the request for specification of technical conditions for connection to the water supply or sewer system • upon receiving the specification of technical conditions the investor should select the designer of water supply and/or sewer service connection • the request for agreeing the technical documentation of water or sewer service connection • water supply/sewer utility shall agree the service connection technical documentation • construction of water or sewage service connection does not require a BP nor notification (see data sheet for "Construction of service connections") • upon building a water or sewer service connection and its commissioning by water/sewer utility (attested by a signed acceptance report), the investor will enter into water supply or wastewater disposal contract and agree the deadline for meter installation
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • The procedure may vary from one utility to another. It may take approx. 3 months to complete the procedure, assuming excellent communication with the utility and efficient drafting of the documents
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a copy of topographic map at 1:500; boundaries of the real property concerned should be marked on the map • an excerpt and a copy of land register showing access road and location of the planned or existing facility • planning decision (LPS or PPPLD), if any held • a document attesting a legal title to the real property • a copy of power of attorney/authorisation, if the investor does not appear in person • two or more copies of the as-built design of the water and/or sewer connection • specification of technical conditions obtained from the utility
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • the applicant and the utility are the parties to the contract

<p>The procedure</p>	<p>Decision on the conditions for delivery of earthworks that change the water conditions</p> <p>The decision is required if the project involves earthworks that may change water or water-soil conditions in areas that are specified by the law.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> Nature Conservation Act Art. 118 - 118a
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> RDEP as the authority in charge of the decisions GDEP as a cooperating authority
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> earthwork notification to the competent RDEP; in the event of RDEP's objection the decision is required request submitted in accordance with the requirements of Nature Conservation Act Art. 118a.2 and 118a.4 proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified decision on the conditions of work delivery granted
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> request made in writing according to Nature Conservation Act Art. 118.2 documents attached to the request include, but are not limited to: <ul style="list-style-type: none"> a competent authority-attested copy of cadastral map and a land register excerpt showing the site of the planned operations in case of activities that are referred to in Nature Conservation Act Art. 118.1-2 - a map showing data from records of water resources, land improvement facilities and improved land, as referred to in Water Law Art. 70.3 in case that is referred to in Nature Conservation Act Art. 118.9 - the report on project impact on a Natura 2000 site a proof of stamp duty payment for the authorisation granted If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> Applicant is the key party; the other parties are: the owner of the water, fishing district user, owners of real estates covered by operations that are referred to in Nature Conservation Act Art. 118.1.

<p>The procedure</p>	<p>Issuing the PPPLD</p> <p>In the absence of LPS, location of a public purpose project is established under PPPLD.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> The Planning Act Art. 50-54
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> Commune head, mayor or city president acting in agreement with provincial assembly speaker - for public purpose projects of national or provincial importance Commune head, mayor or city president - for public purpose projects of importance to a district or to a commune Province head - for public purpose projects located in restricted access areas
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> request submitted in accordance with the requirements of Planning Act Art. 52.2 proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified PPPLD issued following necessary agreements
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> Immediately or, in complex cases, up to 2 months of delivering a complete documentation; according to some lawyer's interpretations, the term of 65 days, as referred to in Planning Act Art. 51.2, may be regarded as the maximal one.
<p>Required documents or information</p>	<ul style="list-style-type: none"> request made in writing according to Planning Act Art. 52.2 DEC (if required) a proof of stamp duty payment for the PPPLD granted If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> Investor is the key party; other parties are: landowners or perpetual usufruct right holders in the real property that is intended for development of a public purpose project

<p>The procedure</p>	<p>Issuing the LPS decision</p> <p>In the absence of PPPLD, a modification of the intended land use consisting of development of an erected structure or of other construction works, as well as a change in the intended use of an erected structure or its part, requires - in principle - a LPS decision</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Planning Act Art. 52.2 • Planning Act Art. 53.3-5a • Planning Act Art. 54 • Planning Act Art. 59-61 • Planning Act Art. 64.1 • provisions of the Ordinance on the determination of requirements for new development and land management in the absence of a local planning scheme
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Commune head, mayor or city president upon agreeing with competent authorities • Province head - building-up conditions for restricted access areas
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • request submitted in accordance with the requirements of Planning Act Art. 52.2 • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • LPS issued following necessary agreements
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> • request made in writing according to Planning Act Art. 52.2 • DEC (if required) • a proof of stamp duty payment for the LPS granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Applicant/investor is the key party, landowners or perpetual usufruct holders of the real property intended for project development are the other parties

<p>The procedure</p>	<p>Obtaining the decision on road exit location</p> <p>An exit from a public road can be made solely upon obtaining a decision that approves that exit location</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Act on Roads Art. 29 • Ordinance on technical conditions that are to be met by public roads, paragraph 113.7
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Road administrators: <ul style="list-style-type: none"> • Commune head, mayor or city president - for local roads • District Board - for district roads • Province Board - for provincial roads • Director General of National Roads and Motorways - for national roads • City president - for roads located in cities with district rights
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • request made • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • a decision enabling exit location is made for indefinite time but expires if the exit is not built within 3 years.
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a request made in writing • an orientation map with the project area marked • a detailed plan at 1:1000 or 1:500 showing the planned exit location • an excerpt from PPPLD (if available) or from LPS for the plot of land • a copy of the document attesting to the legal title to the property • a proof of stamp duty payment for the decision granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Applicant/investor is the party along with owners or perpetual usufruct right holders for land adjacent to the road with the planned exit.

<p>The procedure</p>	<p>Decision enabling placement of installations in the roadway</p> <p>In exceptional justified cases, erected structures or installations that are not associated with road management or vehicular traffic requirements may be located in the roadway solely upon consent of competent road administrator.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> Act on Roads Art. 39-40
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> Road administrators: <ul style="list-style-type: none"> Commune head, mayor or city president - for local roads District Board - for district roads Province Board - for provincial roads Director General of National Roads and Motorways - for national roads City president - for roads located in cities with district rights
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> request made proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified decision enabling the placement of installations in the roadway
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> a request made in writing a topographic map at 1:500 with precise location of installations in the roadway marked an excerpt from PPPLD (if available) or from LPS for the plot of land if a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment the decision is exempted from stamp duty, but a fee is charged for roadway occupancy (Act on Roads Art. 40.3-13a)
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> The applicant/investor is primarily the party.

<p>The procedure</p>	<p>Approval of a temporary road traffic scheme</p> <p>Introduction of a traffic scheme for a newly built road or a modification of traffic scheme for an exiting road is subject to approval by traffic management authority.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Road Traffic Law • Ordinance on the detailed conditions of traffic management
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Traffic management authority in charge of the road (district head in case of district and local roads) • Road administrator • Authority in charge of traffic management supervision • The Police • Military Police or military law enforcement authorities
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • request submitted in accordance with the requirements, inter alia, of the Ordinance on the detailed conditions of traffic management, Paragraphs 5.1 and 7 • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • traffic scheme approval
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a written request with traffic management design made in two or more copies that should include, inter alia, the following: <ul style="list-style-type: none"> • an orientation map at a scale of 1:10,000 to 1:25,000 with the concerned road(s) marked • a detailed plan at 1:500 or 1:1,000 showing: <ol style="list-style-type: none"> a) location of existing, planned and scheduled for removal road signs, traffic lights and traffic safety devices; in case of permanent traffic management changes it is permitted to mark only those signs and devices that are intended for the new traffic management scheme b) road geometry parameters • signalling programme and road capacity calculations - if the design envisages traffic lights • a technical description containing road and traffic profile; if the traffic management scheme is associated with works located in the roadway, also a description of related risks or obstacles • the planned date of introducing a temporary traffic management scheme or a new permanent traffic management scheme or of restoring the previous permanent traffic management scheme, if road works are envisaged by the design • opinions that are referred to in the Ordinance on the detailed conditions of traffic management Paragraph 7.2 • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment • approval of a temporary traffic management scheme is exempted from fees
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The applicant/investor is primarily the party.

The procedure	<p>Real property expropriation decision</p> <p>Real property expropriation consists of deprivation or limitation, by way of a decision, of ownership right, perpetual usufruct right or of other right in the real property. A real property may be expropriated if public public goals can only be reached by deprivation or limitation of rights in a real property and such rights cannot be acquired under a contract.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Property Management Act Art. 112 • Property Management Act Art. 114 • Property Management Act Art. 116 • Property Management Act Art. 119 • Property Management Act Art. 128
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • District Head
Delivery of the procedure	<ul style="list-style-type: none"> • Expropriation proceedings are preceded by negotiations on potential property purchase under a contract of the civil law • the proceedings are instituted on ineffective lapse of the two-month term for signing the contract; the proceedings in expropriation to the benefit of State Treasury are instituted ex officio, while those to the benefit of a local government unit - on request made by the unit's executive body. • Administrative hearing is conducted by the District Head • issuing real property expropriation decision • expropriation is made against compensation to the expropriated individual that is commensurate to the value of these rights
Duration of the procedure	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation • In practice, it may take much longer, even more than a year, to complete an expropriation procedure.
Required documents or information	<ul style="list-style-type: none"> • request made in writing according to Property Management Act Art. 116 • negotiation documents • a copy of and an excerpt from LPS or from PPPLD, in the absence of LPS • a map with register of real properties under the request for expropriation or a map with property subdivision and register along with approval of these subdivisions, if the request is made for expropriation of a part of the properties • a copy of Land and Mortgage Register (LMR) or equivalent documents under Property Management Act • a copy and an excerpt from the property cadastre • if a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment • requests for property expropriation decision are exempted from stamp duty payment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • Basically, the parties are: <ul style="list-style-type: none"> • executive body of the Commune requesting expropriation proceedings or the entity planning to build a public purpose project • real property owner or perpetual usufruct right holder • person holding a limited right in the real property

<p>The procedure</p>	<p>Granting an easement establishing decision</p> <p>An easement may be granted to install and retain in a real property drain pipes, lines and facilities for distribution and transmission of fluids, steam, gas or electricity, public communication and signalling lines, as well as other buried, ground-level or overhead facilities and installations that are required for operation of such lines and installations, even if the owner of the property or holder of perpetual usufruct right refuses to grant his/her consent. Pursuant to Property Management Act Art. 125, district head may impose an easement for the purposes of prospection, exploration and production of mineables under mining ownership.</p> <p>The aforementioned easement may be granted solely to the benefit of an Entrepreneur who holds a concession for such operations for a period of time which does not exceed the term of the concession. Easement compensation is to be paid by the Entrepreneur.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> Property Management Act Art. 124
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> District head
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> the proceedings are preceded by negotiations that are intended to obtain the consent for delivery of works in the event of unsuccessful negotiations, the easement proceedings are instituted ex officio or on request of local government's executive body, other person or organisational unit a request made in writing granting an easement establishing decision
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> a request made in writing documents on negotiations between the requesting party and the owner or holder of perpetual usufruct right in the property with regard to the consent for delivery of works a copy of and an excerpt from LPS or from PPPLD, in the absence of LPS a copy of and an excerpt from the cadastre (land register) a map with register of the property under the request and the planned infrastructure line marked a full copy of LMR or equivalent documents under Property Management Act in the absence of LMR, a statement by a competent court to the effect that LMR has not been established or a file of documents is not maintained for the property if a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment granting an easement establishing decision is exempted from stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> Basically, the parties are: easement-requesting executive body of a local government or the entity which is planning to embark on a public purpose project, owner of or perpetual usufruct right holder in the real property and a person enjoying limited rights in the property

<p>The procedure</p>	<p>Approval of a real property subdivision scheme</p> <p>Real property subdivision consists of dividing a real property into two or more plots to form separate properties. As a result of that process, new plots of land are created, geodesically measured and entered as separate units to the plat.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Property Management Act Art. 92-97 • Ordinance on Subdivision of Real Properties
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Commune head, mayor or city president
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • request submitted in accordance with the requirements of Property Management Act Art. 97.1a • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • issuing the decision on real property subdivision approval by decision; if the subdivision is decided by the court, the decision is not issued. • Subdivision of farmland or timberland does not require a decision on the approval of a farmland or timberland subdivision (except for cases foreseen by Property Management Act Art. 92) - they may be subdivided at owner's discretion.
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation
<p>Required documents or information</p>	<ul style="list-style-type: none"> • a request made in writing • document attesting to the legal title to the real property, in particular the statement mentioned in Property Management Act Art. 116.2.4 • an excerpt from the cadastre and a copy of cadastral map showing the real property to be subdivided • decision on building-up conditions (SDCD) that is referred to in Property Management Act Art. 94.1.2 • the authorisation that is referred to in Property Management Act Art. 96.1a, if the property has been entered to the Register of Historical Monuments • preliminary subdivision design, except for subdivisions that are referred to in Property Management Act Art. 95 • signed report on the approval of property boundaries • the list of land-use changes • reference list, if cadaster plot designations are other than those in LMR • a map with subdivision design • if a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment • property subdivision approval is exempted from stamp duty payment
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Basically, the applicant/entrepreneur, owner of or holder of perpetual usufruct right in the real property and holder of limited rights in the real property

<p>The procedure</p>	<p>Procedure of granting the Building Permit (BP)</p> <p>In principle, construction works may be started only upon obtaining a final BP.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Art. 20 of Construction Law • Construction Law Art. 28-40a • GML Art. 168.2, Art. 167.1 and Art. 169.2 read in conjunction with Construction Law Art. 80.4
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • DMO Director • competent authorities from which the investor should obtain authorisations, approvals or opinions (including but not limited to: road administrator, Fire Brigades (FB) and National Sanitary Inspectorate (NSI); and, as the case may be: authority in charge of water law permits; PCHM; authority in charge of tree or shrub removal; farmland or timberland conversion, Director of competent Maritime Office with regard to internal waters, territorial sea and coastline or Sea Fisheries Institute (SFI) with regard to internal waters, territorial sea and coastline).
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • building design development • a request for BP submitted • proceedings are instituted, the case is subjected to technical examination, including request for supplementing any missing items • BP granted
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately or, in complex cases, up to 2 months of delivering a complete documentation; in practice, the authorities give (wrongly) a basic term of 65 days, as referred to in Construction Law Art. 35.6 (according to some lawyers, this term should be regarded as the deadline).
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Request for BP • appendices to the request, as per Construction Law Art. 33.2, including but not limited to: <ol style="list-style-type: none"> a) Four copies of building design, including opinions, approvals and other documents that are required under applicable regulations b) a statement, made under the pain of penal liability, of holding the right to dispose of the property for construction purposes c) LPS or PPPLD, if required d) authorisation to build and use artificial islands, erect structures and installations in Polish maritime zones, if required e) in case of mining plant facilities, the decision on approval with the authority of architectural/construction administration (District Head, in principle) • DEC (if required); • Proof of stamp duty payment in an amount that depends on the type of the facility, as per Stamp Duty Act • If a proxy is authorized to handle the case, the power of attorney, including a proof of stamp duty payment • An excerpt from National Court Register (NCR) or from other relevant register
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The entrepreneur and owners, perpetual usufruct right holders or administrators of real properties located within the project impact range. • Participation of public organisations (CAP Art. 31) in the BP procedure is - in principle - excluded. However, if public participation in the procedure is required under EIA Act, environmental organisations may participate and enjoy the rights of a party under EIA Act Art. 44.

<p>The procedure</p>	<p>Construction works notification procedure</p> <p>A notification rather than a final BP is required for starting works that are listed in Construction Law Art. 30.1 Since January 2015 that list includes construction of erected structures that are directly intended for delivery of oil and gas prospecting and exploration activities regulated by GML, with the proviso that under Construction Law Art. 29.3 a BP must be obtained for projects that are subject to EIA procedure or require an assessment of environmental impact on a Natura 2000 site, in accordance with EIA Act.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Construction Law Art. 20 • GML Art. 168.2, Art. 167.1 and Art. 169.2 read in conjunction with Construction Law Art. 80.4
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Director of DMO • competent authorities from which the investor should obtain authorisations, approvals or opinions to be included in the notification (including but not limited to: road administrator, FB and NSI; and, as the case may be: PCHM; authority in charge of tree or shrub removal; farmland or timberland conversion, Director of competent Maritime Office with regard to internal and territorial sea and coastline or SFI with regard to internal and territorial sea and coastline).
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • notification made • proceedings are instituted, the case is subjected to technical examination, including request for supplementing any missing items • objection made by the authority within 30 days or no objection after ineffective lapse of that term, or a statement of no objection by the authority
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • The authority may raise objection within 30 days; works can be started after ineffective lapse of that term; an objection terminates the notification procedure, although the BP procedure can be started
<p>Required documents or information</p>	<ul style="list-style-type: none"> • notification of construction works • appendices to the request, as per Construction Law Art. 30.2, including but not limited to: <ol style="list-style-type: none"> a statement, made under the pain of penal liability, of holding the right to dispose of the property for construction purposes relevant sketches and drawings, as the case may be authorisations, approvals and opinions that are required under separate regulations • if a proxy is authorized to handle the case, the power of attorney, including a proof of stamp duty payment • an excerpt from NCR or from other relevant register
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The entrepreneur

<p>The procedure</p>	<p>Construction of service connection facilities</p> <p>Construction Law enables construction of service connection facilities, as required for delivery of construction, geological and mining works directly in cooperation with network operators, without participation or involvement of architectural/construction administration authorities</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Construction Law Art. 29a read in conjunction with Art. 29.1.20 and Art. 30.1.1 • Energy Law Art. 7.1-2 • Service Connection Ordinance • Collective Water Supply Act Art. 15.2-3
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Water/sewer utility - with regard to water supply connection • power utility - with regard to power connection
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • drafting a situational plan according to the requirements of Construction Law Art. 29a.1 • next steps according to the procedures of the water utility and power utility - see respective procedure sheets: "Procedure of connection to the water supply or sewer network of a water utility" and "Entering into power supply contract"
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • See respective procedure sheets: "Procedure of connection to the water supply or sewer network of a water utility"
<p>Required documents or information</p>	<ul style="list-style-type: none"> • "Procedure of connection to the water supply or sewer network of a water/sewer utility" and "Entering into power supply contract"
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The entrepreneur

<p>The procedure</p>	<p>Entering into power supply contract</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • Energy Law Art. 7.1 - obligation to connect • Service Connection Ordinance
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • This contractual procedure is regulated by the EL and Economy Minister's Ordinance issued pursuant to the EL • Disputes over refusal to connect are examined by the Chairman of Energy Regulatory Office (ERO). The Court of Competition and Consumer Protection is the appeal instance
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • In the contract made with power utility providing power distribution or transmission services the parties should specify, inter alia, the following: deadline for connecting; the amount of the connection fee; the point of ownership change between utility and customer's installations; the scope of works that are required for the connection; terms and conditions of making available consumer's property to the utility in order to build or extend the network that is required for the connection; the amount of electricity to be delivered; connection power rating
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Time will depend on terrain conditions; for a network with a voltage in excess of 1 kV, terms and conditions for connection under the contract should be given within 150 days
<p>Required documents or information</p>	<p>Documents to be appended to the connection request are:</p> <ul style="list-style-type: none"> • a copy of and an excerpt from the local planning scheme or, in the absence of such scheme, DC for the property under request, if required under the Planning Act, or • authorisation to build and use artificial islands, to erect structures and installations in Polish maritime zones, made in accordance with the Act on Maritime Zones, and • a document attesting to entity's legal title to use the property where the planned project under the request is to be built.
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The Entrepreneur and the power utility providing power transmission or distribution services

<p>The procedure</p>	<p>Procedure of erected structure commissioning for operation</p> <p>In principle, an erected structure for which a BP is required can be operated upon notifying the competent authority of its completion, if the notified authority does not raise objections by way of decision within 21 days of notification delivery. However, in its Art. 55 Construction Law lists cases in which an Operating Permit (OP) is required for operation of an erected structure.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> Construction Law Art. 54 - 59g GML Art. 168.2, Art. 167.1 and Art. 169.2 read in conjunction with Construction Law Art. 80.4
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> Director of DMO consulted authorities: NSI authority, FB authority; Director of competent Maritime Office with regard to internal and territorial sea and coastline or SFI with regard to internal and territorial sea and coastline.
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> Option 1 - OP granting procedure <ul style="list-style-type: none"> NSI and FB notified of construction completion a request for OP submitted proceedings are instituted, the case is subjected to technical examination, including request for supplementing any missing items obligatory site inspection OP granted Option 2 - notification of construction completion <ul style="list-style-type: none"> notification of construction completion delivered proceedings are instituted, the case is subjected to technical examination, including request for supplementing any missing items objection made by the authority within 21 days or no objection after ineffective lapse of that term, or a statement of no objection by the authority
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> OP granting procedure - immediately or, in complex cases, up to 2 months of delivering a complete documentation Construction completion notification procedure - 21 days for lodging an objection by the authority; on ineffective lapse of that term the investor may start to operate the facility; an objection terminates the notification procedure with a possibility to open a legalization procedure under Construction Law Art. 51.
<p>Required documents or information</p>	<ul style="list-style-type: none"> Notification of construction completion or a request for OP appendices as per Construction Law Art. 57, including but not limited to: <ol style="list-style-type: none"> original site journal copy site engineer's statement of erected structure compliance with the design, building permit and applicable laws and regulations signed test reports as-built land surveying documentation attestation of acceptance of service connections made under separate provisions a copy of the energy performance certificate for the building, if required A proof of stamp duty payment for OP (currently equal to 25% of the rates due for BP) If a proxy is authorized to handle the case, the power of attorney, including a proof of stamp duty payment An excerpt from NCR or from other relevant register
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> The Entrepreneur

The procedure	<p>The procedure of granting an authorisation for delivery of archaeological excavations or of construction works at or in proximity of historical landmarks</p> <p>Delivery of works at or in proximity of historical landmarks of scheduled archaeological excavations in the process of prospection and exploration of hydrocarbons and production of hydrocarbons is subject to the consent of PCHM</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Act on Conservation and Protection of Historical Monuments (ACPHM) Art. 31 and Art. 36-37 • ACPHM Art. 73 - 82b • Conservatorship Ordinance • Ordinance on grants to archaeological excavations • Ordinance on grants to construction works
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • PCHM with jurisdiction over the site of historical landmark • director of maritime office with jurisdiction over the site of archaeological excavations located within Polish maritime zones, acting in consultation with PCHM having jurisdiction over the maritime office headquarters • Ministry of Culture (MoC) with regard to grants to archaeological excavations and grants to construction works delivered at a listed historical landmark
Delivery of the procedure	<ul style="list-style-type: none"> • authorisation of works (AoW) requested • proceedings are instituted, the case is subjected to technical examination, including request for supplementing any missing items • AoW granted • if applicable, a grant to deliver works at the historical landmark or to archaeological excavations requested and awarded
Duration of the procedure	<ul style="list-style-type: none"> • AoW granting - immediately or, in complex cases, up to 2 months of delivering a complete documentation • Grant award - request is to be considered within 3 months of delivery, then an agreement on grant award is made
Required documents or information	<ul style="list-style-type: none"> • Request for AoW • Appendices to the request as per applicable provisions of Conservatorship Ordinance, including: <ol style="list-style-type: none"> a) design of works or its part, as required for an assessment of project impact on the historical landmark, the programme of works to be delivered in the proximity of the historical landmark, the design of other operations or archaeological excavations b) a document attesting applicant's legal title to use the real property, to submit the request or applicant's statement of holding that title • Moreover, in case of request for authorisation of archaeological excavations the following should be appended: <ol style="list-style-type: none"> a) documents attesting to adequate qualifications held by the person in charge of archaeological excavations b) a topographic map at a minimum scale of 1:10,000 showing archaeological site location, or - in case of Polish maritime zones - a navigational map with location of the planned archaeological operations marked c) a document attesting the willingness of a museum or of other organisational unit to accept archaeological artefacts discovered throughout the archaeological excavations d) a statement by the person in charge of archaeological excavations of holding adequate funds that are required for delivery of excavations, as stated in the archaeological excavation programme • Proof of stamp duty payment for AoW granting • If a proxy is authorized to handle the case, the power of attorney, including a proof of stamp duty payment • An excerpt from NCR or from other relevant register
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The Entrepreneur and other holders of legal interest under CAP Art. 28, if any • Participation of public organisations - according to generally applicable principles (CAP Art. 31)

The procedure	<p>The procedure to be applied on discovery of a potential historical artefact</p> <p>Art. 32 of ACPHM addresses situations wherein an object believed to be a potential historical artefact is discovered during construction or earthworks</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • ACPHM Art. 32
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • PCHM with jurisdiction over the site of the discovery • Director of competent Maritime Office, if a potential historical artefact is discovered within Polish maritime zones
Delivery of the procedure	<ul style="list-style-type: none"> • On discovery of a potential historical artefact the entity conducting works shall: suspend all works that may damage or destroy the discovered object, protect the object and the site of its discovery and immediately notify the competent CHM or competent commune head (mayor, city president) • Site inspection by CHM; works can be resumed in the event of a failure to inspect within 5 days of notification delivery • decision made by CHM: to resume suspended works, if the discovered object is not a historical artefact or if continued works are not expected to destroy or damage the discovered historical artefact; or to suspend work and deliver archaeological excavations at the cost and expense of the entity that is financing these works • potential application for a grant to archaeological excavations on grounds of an unexpected discovery of a hitherto unknown archaeological artefact, provided that the artefact is first entered to the register or to the provincial records of historical artefacts, and award of the grant • CHM's decision to resume works on completion of archaeological excavations
Duration of the procedure	<ul style="list-style-type: none"> • In total, even as long as 6-9 months • Grant award - request is to be considered within 3 months of delivery, then an agreement on grant award is made
Required documents or information	<ul style="list-style-type: none"> • competent authority notification of item discovery; • documentation of archaeological excavations that are investor's responsibility
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The Entrepreneur and other holders of legal interest under CAP Art. 28, if any • Participation of public organisations - according to generally applicable principles (CAP Art. 31)

<p>Geological works</p> <p>Approval of geological/investment documentation</p> <p>Project approval decision</p> <p>Operations Plan</p> <p>Delivery of geological information</p>	<p>Preparation of geological work programme (only for geological operations that require geological works)</p>	<ul style="list-style-type: none">• Notification/approval of geological work programme• Modification of geological work programme
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The procedure	<p>Notification/approval of geological work programme</p> <p>Geological work programme is required for those geological operations that require geological works</p>
Legal grounds for the procedure	<ul style="list-style-type: none">• GML Art. 6.1.1c, Art. 79, Art. 80b• Ordinance on geological work programmes• CAP
Competent authorities in charge of the procedure	<ul style="list-style-type: none">• Not applicable
Delivery of the procedure	<ul style="list-style-type: none">• Development of geological work programme
Duration of the procedure	<ul style="list-style-type: none">• Not applicable
Required documents or information	<ul style="list-style-type: none">• Geological work programme
Parties to the proceedings and public participation	<ul style="list-style-type: none">• The author of geological work programme• No public participation

<p>The procedure</p>	<p>Modification of geological work programme</p> <p>The purpose of this procedure is a modification of the geological work programme</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML Art. 80a • Ordinance on geological work programmes • CAP
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • MoE • Commune head (mayor, city president)
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • The Entrepreneur prepares a supplement to the geological work programme • The Entrepreneur applies to MoE for approval of the supplement to the geological work programme • MoE receives an opinion from commune head (mayor, city president) • MoE issues its decision on the approval of the supplement to the geological work programme • MoE ex officio amends the concession to the extent specified in its decision on the approval of the supplement to the geological work programme, unless material changes are made in the geological work programme that have a direct effect on the terms and conditions of the concession • MoE delivers a copy of its decision on the approval of geological work programme to the relevant provincial assembly speaker and DMO Director
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Delivery of opinions by opinion-giving authorities: 14 days • Decision making by the MoE - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the request can be examined on the basis of evidence submitted along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Application for the approval of supplement to the geological work programme • Supplement to geological work programme (2 copies)
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The Entrepreneur • Other entity that meets the criteria of a party under CAP Art. 28, including owners (perpetual usufruct right holders) of real properties in which the operations are delivered, except for owners (perpetual usufruct right holders) of real properties that are located beyond the boundaries of an existing or planned mining area or geological work sites • No public participation

<p>The procedure</p>	<p>Notification of the intention to start geological works</p> <p>Holder of a concession for prospection and exploration of hydrocarbons and for production of hydrocarbons from a reservoir must notify of his intention to start geological works. Geological works can be performed solely under a geological work programme. Obligation to notify of the intention to start geological works does not apply to works that are intended for drill site operations, albeit according to HMO position it is a good practice to notify of such works.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML, Art. 6.11, Art. 79, Art. 81, Art. 87, Art. 156, Art. 164, Art. 167, Art. 168 • Ordinance on geological work programmes • CAP
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • MoE • Commune head (mayor, city president) or - in case of Polish maritime zone - Maritime Office Director • DMO Director
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • The Entrepreneur notifies of his intention to start geological works at the latest two weeks before the planned date of the commencement of such works • Competent authorities file the notification
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • As a minimum, 2 weeks before the planned date of the commencement of geological works
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Written notification of the intention to start geological works
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The Entrepreneur • MoE • Commune head (mayor, city president) or - in case of Polish maritime zone - Maritime Office Director • DMO Director • No public participation

<p>The procedure</p>	<p>Approval of geological/investment documentation</p> <p>Results of geological works regarding a reservoir of hydrocarbons, including data interpretation, the degree of target achievement, including a justification, are presented in the form of geological/investment documentation of a reservoir of hydrocarbons.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML Art. 88, Art. 89a, Art. 93, Art. 94, Art. 161 • Ordinance on geological documentation • Pending Environment Minister's Ordinance on geological/investment documentation of a reservoir of hydrocarbons, to be issued pursuant to GML Art. 97.1.2 • Act on amendment, Art. 26 • CAP
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • MoE • PGI-NRI
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • Application for approval of geological/investment documentation of a reservoir of hydrocarbons is submitted to MoE • MoE issues the decision on the approval of geological/investment documentation of a reservoir of hydrocarbons • MoE delivers a copy of the decision on the approval of geological/investment documentation of a reservoir of hydrocarbons • Delivery of the approved geological/investment documentation of a reservoir of hydrocarbons to the archives maintained by PGI-NRI • Supplement to geological/investment documentation of a reservoir of hydrocarbons • Modification of geological/investment documentation of a reservoir of hydrocarbons is made by adding a supplement which is subject to approval using the same procedure as that intended for geological/investment documentation • MoE ex officio amends the concession or project approval decision to the extent specified in its decision on supplement approval, if the supplement to the geological/investment documentation of a reservoir of hydrocarbons has a direct effect on the terms and conditions of the concession for production of hydrocarbons from a reservoir or of the concession for prospecting, exploration and production of hydrocarbons from a reservoir, or of the project approval decision • Order to change the documentation or to make additional changes • MoE orders by way of administrative decision to modify the geological/investment documentation and gives the supplement submission deadline, if - on approval of geological/investment documentation - significant differences are found between the documentation and factual status, including groundwater management conditions
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Decision making by the MoE - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the case can be examined on the basis of evidence submitted by the party along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Geological/investment documentation of a reservoir of hydrocarbons (4 copies in printout and electronic formats)
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • MoE • PGI-NRI • The applicant, i.e. the entity that prepared the geological/investment documentation • Other entity that meets the criteria of a party, as defined by CAP Art. 28 , read in conjunction with Art. 41 of GML; • No public participation

<p>The procedure</p>	<p>Issuance of project approval decision</p> <p>In case of concession for prospection, exploration and production of hydrocarbons from a reservoir, the entrepreneur must obtain a project approval decision in order to start the phase of production.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML Art. 41, Art. 49z - 49za • CAP
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • MoE
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • The Entrepreneur applies to MoE for a project approval decision • The application is considered by MoE • MoE issues a project decision or the decision on refusal to issue a project approval decision • Mining usufruct agreement is amended within 30 days of the date of project approval decision
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Decision making by the MoE - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the case can be examined on the basis of evidence submitted by the party along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Application for project approval decision • DEC
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The entrepreneur • Other entity that meets the criteria of a party under CAP Art. 28, including owners (perpetual usufruct right holders) of real properties within the boundaries of the planned mining area, except for owners (perpetual usufruct right holders) of real properties that are located beyond the boundaries of the planned mining area • No public participation

<p>Geological works</p> <p>Approval of geological/investment documentation</p> <p>Project approval decision</p> <p>Operations Plan</p> <p>Delivery of geological information</p>	<p>Approval/modification of operations plan for a production site / drill site</p>	<ul style="list-style-type: none">• Approval of drill site operations plan• Approval of production site operations plan• Modification of drill site operations plan• Modification of production site operations plan
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<p>The procedure</p>	<p>Approval of drill site operations plan</p> <p>The purpose of the procedure is to approve the drill site operations plan</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML Art. 86, Art. 105, Art. 108, Art. 164, Art. 167, Art. 168 • Ordinance on operations plans of mining plants, including in particular Appendix 6 to that Ordinance • CAP
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • DMO Director
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • The Entrepreneur prepares an operations plan separately for each drill site • The Entrepreneur submits to DMO Director, at the latest on the 14th day preceding the intended day of the commencement of geological works associated with prospection and exploration of hydrocarbons, a request for approval of the drill site operations plan • Director of DMO grants the decision on approval of the drill site operations plan • Director of DMO delivers the decision on operations plan approval and a copy of the plan in electronic format
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • up to 14 days
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Drill site operations plan • Request of approval of drill site operations plan • DEC (if required) • a copy of the concession • Copies of other decisions granted
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The Entrepreneur • DMO Director • other entity that meets the criteria of a party under CAP Art. 28; however, the provisions on participation of public organisations do not apply, if the operations plans is preceded by the decision of environmental pre-requirements made under proceedings with public participation or if that decision preceded the concession award • No public participation

<p>The procedure</p>	<p>Approval of production site operations plan</p> <p>The purpose of the procedure is to approve a production site operations plan Production site operations are delivered according to applicable laws and regulations, including in particular production site operations plan, and in conformity with the principles of mining technology.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML Art. 105, Art. 108, Art. 164, Art. 167, Art. 168 • Ordinance on operations plans of mining plants, including in particular Appendix 3 to that Ordinance • CAP
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • DMO Director • Commune head (mayor, city president) as an opinion-giving authority
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • Production site operations plan is submitted to the commune head (mayor, city president) for his/her opinion • Production site operations plan is reviewed by the commune head (mayor, city president) for compliance of the planned operations with the criterion of intended use of the real property, as specified in GML Art. 7 • Commune head (mayor, city president) issues his/her opinion within 14 days of the request delivery date (a failure to do so is deemed as no reservations to the production site operations plan) • The Entrepreneur submits a request for approval of production site operations plan to DMO Director, at the latest on the 30th day preceding the commencement of works that are associated with production of hydrocarbons from a reservoir • After considering Entrepreneur's request, DMO Director approves or refuses to approve by way of administrative decision the production site operations plan • Director of DMO delivers the decision on approval of production site operations plan to MoE
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Delivery of opinion by an opinion-giving authority: 14 days • Granting the decision on plan approval - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the request can be examined on the basis of evidence submitted along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Production site operations plan • Request for approval of production site operations plan • A copy of the concession • Reservoir development design
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The entrepreneur • DMO Director • No public participation • other entity that meets the criteria of a party under CAP Art. 28; however, the provisions on participation of public organisations do not apply, if the operations plan is preceded by a DEC decision made under proceedings with public participation or if that decision preceded the concession award

<p>The procedure</p>	<p>Modification of a drill site operations plan</p> <p>The purpose of the procedure is to modify a drill site operations plan</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML Art. 86, Art. 109, Art. 164, Art. 167, Art. 168 • Ordinance on operations plans of mining plants, including in particular Appendix 6 to that Ordinance • CAP
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • DMO Director
<p>Delivery of the procedure</p>	<p>Full procedure:</p> <ul style="list-style-type: none"> •Development of supplement to drill site operations plan •The Entrepreneur submits to DMO Director a supplement to drill site operations plan, at the latest on the 14th day preceding the intended day of the commencement of geological works under the supplement that associated with prospection and exploration of hydrocarbons •Director of DMO grants the decision on approval of the drill site operations plan •Director of DMO delivers to MoE the decision on approval of the supplement to the operations plan and a copy of the plan in electronic format, if the supplement applies to reservoir management or to environmental impact <p>Simplified procedure (if changes in the drill site operations plan do not concern public security, fire safety, safety of persons in the drill site, drill site operation safety, reservoir management, environmental protection, construction works, protection of erected structures and damage prevention/remediation):</p> <ul style="list-style-type: none"> •Development of supplement to drill site operations plan and supplement signing by drill site manager •Operations plan signing by the Entrepreneur •Entering operations plan changes to the sheet of changes •The sheet of changes is to be delivered to DMO Director along with the approved operations plan supplements at least every three months
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • up to 14 days (full procedure)
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Supplement to drill site operations plan
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The Entrepreneur • DMO Director • other entity that meets the criteria of a party under CAP Art. 28; however, the provisions on participation of public organisations do not apply, if the operations plan is preceded by the decision of environmental pre-requirements made under proceedings with public participation or if that decision preceded the concession award • No public participation

<p>The procedure</p>	<p>Modification of a production site operations plan</p> <p>The purpose of the procedure is to modify a production site operations plan</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> GML Art. 109, Art. 164, Art. 167, Art. 168 Ordinance on operations plans of mining plants, including in particular Appendix 3 to that Ordinance
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> DMO Director
<p>Delivery of the procedure</p>	<p>Full procedure:</p> <ul style="list-style-type: none"> Supplement to production site operations plan is submitted to commune head (mayor, city President) for his/her opinion, unless the changes in production site operations plan are not expected to have negative effects on the environment and erected structures (if so, the opinion is not required) Production site operations plan is reviewed by the commune head (mayor, city president) for compliance of the planned operations with the criterion of intended use of the real property, as specified in GML Art. 7 Commune head (mayor, city president) issues his/her opinion within 14 days of the supplement delivery date (a failure to do so is deemed as no reservations to the supplement to production site operations plan) The Entrepreneur submits a request for approval of the supplement to production site operations plan to DMO Director, at the latest on the 30th day preceding the commencement of works that are associated with production of hydrocarbons from a reservoir After considering Entrepreneur's request, DMO Director approves or refuses to approve by way of administrative decision the supplement to production site operations plan Director of DMO delivers to MoE the decision on approval of the supplement to the operations plan and a copy of the plan in electronic format, if the supplement applies to reservoir management or to environmental impact Simplified procedure (if changes in the production site operations plan do not concern public security, fire safety, safety of persons in the drill site, drill site operation safety, reservoir management, environmental protection, construction works, protection of erected structures and damage prevention/remediation): Development of supplement to production site operations plan and supplement signing by production site manager Operations plan signing by the Entrepreneur Entering operations plan changes to the sheet of changes The sheet of changes is to be delivered to DMO Director along with the approved operations plan supplements at least every three months
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> Decision making by the MoE - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the case can be examined on the basis of evidence submitted by the party along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, not later than within 2 months of the day the proceedings were instituted (full procedure)
<p>Required documents or information</p>	<ul style="list-style-type: none"> Supplement to production site operations plan
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> The Entrepreneur DMO Director No public participation other entity that meets the criteria of a party under CAP Art. 28; however, the provisions on participation of public organisations do not apply, if the operations plan is preceded by the decision of environmental pre-requirements made under proceedings with public participation or if that decision preceded the concession award

<p>The procedure</p>	<p>Delivery of geological information to PGI-NRI</p> <p>State Treasury holds the right to geological information in the meaning of GML Art. 6.1.2</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML Art. 82, Art. 98 - Art. 99, Art. 161, Art. 163, Art. 207 • Ordinance on collecting geological information (to be in effect until a new ordinance is issued pursuant to GML Art. 98.5)
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Polish Geological Institute - National Research Institute • Geological administration authorities
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • Delivery of geological information to geological archives • Entities that conduct geological works for the purpose of prospection, or exploration of hydrocarbons are obliged to deliver, on an ongoing basis: (i) geological data and samples collected throughout geological works, along with sample test results, to Polish Geological Institute - National Research Institute; and (ii) geological data to the MoE. • Documents containing geological information are stored in geological archives • Access to and use of geological information • The use of geological information, to which the rights are vested with State Treasury, for prospection and exploration of hydrocarbons and for production of hydrocarbons from a reservoir is subject to agreement against a remuneration
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Delivery of geological information to geological archives within 14 days of the date of obtaining this information
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Agreement on the use of geological information made with competent authority
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • Entity expressing interest in the use of geological information • No public participation

The procedure	<p>Production phase extension</p> <p>If production phase operations have been delivered according to the terms and conditions of the concession for prospection, exploration and production of hydrocarbons from a reservoir, the MoE may, on entrepreneur's request, extend the term of the production phase for a period that is required for completion of hydrocarbon production operations.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> GML Art. 49y.5
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> MoE
Delivery of the procedure	<ul style="list-style-type: none"> The Entrepreneur submit to MoE a request for extending the term of production phase, at the latest on the 120th day preceding the date of expiration of that phase The request is considered by MoE MoE issues its decision on the request
Duration of the procedure	<ul style="list-style-type: none"> Decision making by the MoE - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the case can be examined on the basis of evidence submitted by the party along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
Required documents or information	<ul style="list-style-type: none"> Request for production phase extension
Parties to the proceedings and public participation	<ul style="list-style-type: none"> The entrepreneur Other entity that meets the criteria of a party under CAP Art. 28, including owners (perpetual usufruct right holders) of real properties within the boundaries of the planned mining area, except for owners (perpetual usufruct right holders) of real properties that are located beyond the boundaries of the planned mining area No public participation

The procedure	<p>Extension of the term of an concession for production of hydrocarbons from a reservoir</p> <p>If production phase operations have been delivered according to the terms and conditions of the concession for production of hydrocarbons from a reservoir, the MoE may, on Entrepreneur's request, extend the term of the production phase for a period that is required for completion of hydrocarbon production operations.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> GML Art. 49y.5-8
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> MoE
Delivery of the procedure	<ul style="list-style-type: none"> The Entrepreneur submits to MoE a request for extending the term of the concession for production of hydrocarbons from a reservoir, at the latest on 120th day preceding the date of expiration of that concession The application is considered by MoE MoE issues its decision on the request
Duration of the procedure	<ul style="list-style-type: none"> Decision making by the MoE - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the case can be examined on the basis of evidence submitted by the party along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
Required documents or information	<ul style="list-style-type: none"> Request for extension of the term of the concession
Parties to the proceedings and public participation	<ul style="list-style-type: none"> The Entrepreneur Other entity that meets the criteria of a party under CAP Art. 28, including owners (perpetual usufruct right holders) of real properties within the boundaries of the planned mining area, except for owners (perpetual usufruct right holders) of real properties that are located beyond the boundaries of the planned mining area No public participation

The procedure	<p>Extension of the term of a prospection and exploration phase</p> <p>The phase of prospection and exploration of hydrocarbon should not exceed 5 years, but may be extended in cases specified by the law.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • GML Art. 41, Art. 49y.1-4 • CAP
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • MoE
Delivery of the procedure	<ul style="list-style-type: none"> • The Entrepreneur submit to MoE a request for extending the term of the prospection and exploration phase, at the latest on the 60th day preceding the date of expiration of that phase • MoE considers the request and makes its decision
Duration of the procedure	<ul style="list-style-type: none"> • Decision making by the MoE - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the case can be examined on the basis of evidence submitted by the party along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
Required documents or information	<ul style="list-style-type: none"> • Request for an extension of the term of a prospection and exploration concession
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The entrepreneur • Other entity that meets the criteria of a party under CAP Art. 28, whereas under GML Art.41.1-2 the parties to proceedings in operations delivered within real properties are the owners (perpetual usufruct right holders) of such real properties, except for owners (perpetual usufruct right holders) of real properties that are located beyond the boundaries of an existing or planned mining area or geological work sites • No public participation

The procedure	<p>Procedure of establishing a mining plant abandonment fund</p> <p>The procedure applies to the establishment of a drill site abandonment fund and to the establishment of a production site abandonment fund</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • GML Art. 86, Art. 128, Art. 129.3, Art. 164.1-2, Art. 168.1 • CIT Act • PIT Act • CAP
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • DMO Director • Commune head (mayor, city president) as an opinion-giving authority at fund liquidation
Delivery of the procedure	<ul style="list-style-type: none"> • The holder of a concession for prospection, exploration and production of hydrocarbons from a reservoir will set up, on the day royalty payment is due, the drill/production site abandonment fund to accumulate cash, treasury notes or bonds that are issued or guaranteed by the State Treasury • Entrepreneur makes contributions to the fund until the beginning of drill/production site abandonment • Entrepreneur may disburse the fund to pay the costs of drill/production site abandonment upon submitting to the trustee an account appended to the decision of competent mining supervision authority on the approval of operations plan for the drill/production site or a part thereof to be abandoned • The fund is liquidated on completion of drill/production site abandonment, subject to the consent made - by way of decision - by DMO Director upon seeking the opinion of competent commune head, mayor or city president
Duration of the procedure	<ul style="list-style-type: none"> • From the day royalty payment is due to drill/production site abandonment <p>Decision making by DMO Director - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the case can be examined on the basis of evidence submitted by the party along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted</p>
Required documents or information	<ul style="list-style-type: none"> • DMO Director's decision on the approval of operations plan for the abandoned drill/production site or its designated part • DMO Director's decision on the consent to liquidate the fund on completion of drill/production site abandonment
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The Entrepreneur • DMO Director • Commune head (mayor, city president) as an opinion-giving authority at fund liquidation • No public participation • In the context of administrative decisions, also an entity that meets the criteria of a party under CAP Art. 28, with the proviso that regulations on the participation of public organisations in administrative proceedings do not apply to the proceedings on operations plan for a drill/production site to be abandoned

The procedure	<p>Procedure of performance of Entrepreneur's obligations in the event of production/drill site abandonment, in total or in part</p> <p>The procedure applies to the abandonment of a drill/production site. The procedure applies to the abandonment of both production and exploratory drilling sites. In the latter case, the entity performing geological works is not liquidated, only the well is abandoned, drilling equipment is dismantled, including auxiliary facilities and devices.</p> <p>The procedures on drill/production site operations apply to the abandonment of both exploratory drilling sites and production sites.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • GML, Art. 39.1-2, Art. 86, Art. 105.2.1, Art. 116, Art. 129 - Art. 131, Art. 164.1-2, Art. 166.1, Art. 168.1 • CAP • Ordinance on geological surveying documentation • Ordinance on enforcement proceedings in administration
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • DMO Director, as the authority in charge of issuing decisions that impose the obligation to abandon a production site or, in case of geological works for prospection and exploration of mineables, a drill site • Chairman of Higher Mining Office (HMO) as the authority in charge of geological surveying documentation of the abandoned production site or, in case of geological works for prospection and exploration of mineables, a drill site
Delivery of the procedure	<ul style="list-style-type: none"> • Operations plans for the production site and exploratory drilling site scheduled for abandonment must specify the scope of and approach to ensuring entrepreneur's compliance with environmental protection and production/drill site abandonment obligations. • DMO Director approves the operations plan for the production/exploratory drilling site to be abandoned • Entrepreneurs perform their production/drill site abandonment obligations, i.e. protection or removal of production/drill site equipment, installations and facilities; taking appropriate measures to protect any adjacent deposits of mineables; taking appropriate measures to protect the workings of neighbouring mining plants; taking appropriate measures to protect the environment and reclaim the post-mining land; organizing the geological surveying documentation of the abandoned production/drill site and its delivery to the Chairman of Higher Mining Office • If justified, DMO Director may request the entrepreneur to perform obligations related to the abandonment of production/drill site or of its designated part
Duration of the procedure	<ul style="list-style-type: none"> • Decision making - according to generally applicable deadlines for dealing with cases, as per CAP, i.e. without undue delay, if the case can be examined on the basis of evidence submitted by the party along with the request to start the proceedings. If explanatory proceedings are required, the decision should be made within one month or, if the case is particularly complex, within 2 months of the day the proceedings were instituted
Required documents or information	<ul style="list-style-type: none"> • Geological surveying documentation of the abandoned production/drill site
Parties to the proceedings and public participation	<ul style="list-style-type: none"> • The Entrepreneur • DMO Director, as the authority in charge of issuing decisions that impose the obligation to abandon a production site or, in case of geological works for prospection and exploration of mineables, a drill site • Chairman of Higher Mining Office as the authority in charge of geological surveying documentation of the abandoned production/drill site • No public participation • In the context of administrative decisions, also an entity that meets the criteria of a party under CAP Art. 28 with the proviso that regulations on the participation of public organisations in administrative proceedings do not apply to the proceedings on operations plan for a drill/production site to be abandoned

<p>The procedure</p>	<p>Procedure of delivering geological surveying documentation of an abandoned production site / drill site</p> <p>The procedure applies to the abandonment of both production and exploratory drilling sites.</p>
<p>Legal grounds for the procedure</p>	<ul style="list-style-type: none"> • GML Art. 86, Art. 116, Art. 131, Art. 166.1 • CAP • Ordinance on geological surveying documentation
<p>Competent authorities in charge of the procedure</p>	<ul style="list-style-type: none"> • Chairman of Higher Mining Office as the authority in charge of geological surveying documentation of the abandoned production/drill site
<p>Delivery of the procedure</p>	<ul style="list-style-type: none"> • Organizing the geological surveying documentation of the abandoned production/drill site • Chairman of Higher Mining Office and the competent mining supervision authority are notified of the intention to deliver geological surveying documentation of the abandoned production/drill site • Chairman of Higher Mining Office agrees the deadline for delivery of geological surveying documentation of the abandoned production/drill site • Acceptance of geological surveying documentation of the abandoned production/drill site by the Chairman of Higher Mining Office under a signed report of delivery/acceptance of geological surveying documentation of the abandoned production/drill site
<p>Duration of the procedure</p>	<ul style="list-style-type: none"> • Immediately on completing the production/drill site abandonment
<p>Required documents or information</p>	<ul style="list-style-type: none"> • Geological surveying documentation of the abandoned production/drill site
<p>Parties to the proceedings and public participation</p>	<ul style="list-style-type: none"> • The entrepreneur • Chairman of Higher Mining Office • No public participation

The procedure	<p>Demolition permit granting procedure</p> <p>In principle, a final demolition permit is required in order to start works involving demolition of an erected structure that is a part of a production site.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Construction Law Art. 20 • Construction Law Art. 28-40a • GML Art. 168.2, Art. 167.1 and Art. 169.2 read in conjunction with Construction Law Art. 80.4
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • DMO Director • competent authorities from which the investor should obtain permits, approvals or opinions (including but not limited to: road administrator, FB authority and NSI authority; as the case may be, for example the authority in charge of water law permits)
Delivery of the procedure	<ul style="list-style-type: none"> • demolition permit requested • proceedings are instituted, the case is subjected to technical examination, including request for supplementing any missing items • permit granted
Duration of the procedure	<p>Immediately or, in complex cases, up to 2 months of delivering a complete documentation; in practice, the authorities give (wrongly) a basic term of 65 days, as referred to in Construction Law Art. 35.6</p>
Required documents or information	<ul style="list-style-type: none"> • a request for demolition permit • appendices to the request, as per Construction Law Art. 33.4, including but not limited to: <ol style="list-style-type: none"> a) Consent of the erected structure owner (if other than the applicant); b) A sketch of erected structure location; c) A description of the scope and approach to the delivery of demolition works; d) Description of measures to ensure safety of people and property; e) Authorisations, approvals or opinions by other authorities, as well as other documents that are required under applicable regulations; f) Demolition design, if required. • A proof stamp duty payment for demolition permit, in the amount of PLN 36; • If a proxy is authorized to handle the case, the power of attorney, including a proof of stamp duty payment • An excerpt from NCR or from other relevant register
Parties to the proceedings and public participation	<p>The Entrepreneur and owners, perpetual usufruct right holders or administrators of real properties located within the range of project impact.</p> <p>In principle, participation of public organisations (under CAP Art. 31) in a demolition permitting procedure is excluded. However, if public participation in the procedure is required under EIA Act, environmental organisations may participate and enjoy the rights of a party under EIA Act Art. 44.</p>

The procedure	<p>Demolition notification procedure</p> <p>A notification rather than final demolition permit is required for starting demolition works that are listed in Construction Law Art. 31.1.1 read in conjunction with Construction Law Art. 31.2</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> Construction Law Art. 20 Construction Law Art. 31 GML Art. 168.2, Art. 167.1 and Art. 169.2 read in conjunction with Construction Law Art. 80.4
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> DMO Director competent authorities from which the investor should obtain permits, approvals or opinions (including but not limited to: road administrator, FB authority and NSI authority; as the case may be, for example PCHM, the authority in charge of water law permits)
Delivery of the procedure	<ul style="list-style-type: none"> notification made proceedings are instituted, the case is subjected to technical examination, including request for supplementing any missing items objection made by the authority within 30 days or no objection after ineffective lapse of that term, or a statement of no objection by the authority
Duration of the procedure	<p>The authority may raise objection within 30 days; works can be started after ineffective lapse of that term; an objection terminates the notification procedure, although the demolition permit procedure can be started</p>
Required documents or information	<ul style="list-style-type: none"> Notification of construction works, including the type, scope and approach to delivery of works appendices to the request, as per Construction Law Art. 30.2, including but not limited to: <ol style="list-style-type: none"> a statement, made under the pain of penal liability, of holding the right to dispose of the property for construction purposes relevant sketches and drawings, as the case may be authorisations, approvals and opinions that are required under separate regulations If a proxy is authorized to handle the case, the power of attorney, including a proof of stamp duty payment An excerpt from NCR or from other relevant register
Parties to the proceedings and public participation	<p>The Entrepreneur</p> <p>No public participation</p>

The procedure	<p>Decision on land reclamation and restoration</p> <p>Production/drill site reclamation is regulated by the Drilling Ordinance. On completion of prospecting, exploration, production operations and drill/production site abandonment, it is required to reclaim and restore the site, i.e. to bring or return degraded or devastated land to a useful purpose or natural status.</p> <p>Land Conservation Act Art. 21 gives a different deadline for reclamation commencement in areas of expected land subsidence as a result of mining activities. In these areas, reclamation starts on owner's request before the occurrence of subsidence.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Land Conservation Act Art. 4.18-19; • Land Conservation Act Art. 20 - 22 • Drilling Ordinance
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • District head • Director of DMO with jurisdiction over the site - as an opinion-giving authority with regard to mining activities • Director of Regional Directorate of State Forests or National Park Director - as an opinion-giving authority with regard to reclaimed land scheduled for afforestation • Commune head (mayor, city president) - as an opinion-giving authority
Delivery of the procedure	<ul style="list-style-type: none"> • request made • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • Decision on land reclamation and restoration granted
Duration of the procedure	<p>Immediately or, in complex cases, up to 2 months of delivering a complete documentation</p>
Required documents or information	<ul style="list-style-type: none"> • a request made in writing • Site reclamation and restoration design with a description of the planned reclamation works and a map of the reclaimed area • a topographic map with the area under request marked • a document attesting a legal title to the real property • a copy of and an excerpt from LPS (if in effect) or decision on development conditions • a copy of the concession or of decision on concession termination, if issued • a copy of the plat for the are under request and adjacent land • A proof of stamp duty payment for the decision granted • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment
Parties to the proceedings and public participation	<p>Basically, the applicant/iEntrepreneur, owner of or holder of perpetual usufruct right in the real property and holder of limited rights in the property</p>



The procedure	<p>Decision on the agreed conditions for delivery of remedial operations</p> <p>Land Conservation Act Art. 22a imposes the obligation to apply the Damage Act with regard to land contaminated with substances, preparations, organisms or microorganisms after 30 April 2007.</p>
Legal grounds for the procedure	<ul style="list-style-type: none"> • Land Conservation Act Art. 22a; application of relevant Damage Act provisions in the event of soil contamination • Damage Act Art. 13.2 and Art. 13.2a; elements of the request for a decision on the agreed conditions for delivery of remedial actions • Damage Act Art. 13.6; legal grounds for issuing a decision on the agreed conditions for delivery of remedial actions • Damage Act Art. 13.3; elements of a decision on the agreed conditions delivery of remedial actions
Competent authorities in charge of the procedure	<ul style="list-style-type: none"> • RDEP
Delivery of the procedure	<ul style="list-style-type: none"> • request made • proceedings initiated, case investigation, including a request to remove formal defects, if any, or refusal to initiate the proceedings, if justified • RDEP seeks the opinion of a competent authority • Decision on the agreed conditions for delivery of remedial actions granted
Duration of the procedure	<p>Immediately or, in complex cases, up to 2 months of delivering a complete documentation</p>
Required documents or information	<ul style="list-style-type: none"> • a request made in writing • information on the area subject to remedial actions, functions of the area subject to remedial actions, initial status of the environment in the area, existing status of the environment in the area, the planned scope and approach to delivery of remedial actions and the planned deadline for commencement and completion of these actions (with regard to the damage to protected species of protected habitats or to the aquatic environment) • remediation design, including all information referenced in Damage Act Art. 13.2a (with regard to environmental damage to land surface) • a proof of stamp duty payment for decision granting (currently in the amount of PLN 10) • If a proxy is authorized to handle the case, original or attested copy of the power of attorney, including a proof of stamp duty payment for a power of attorney (currently in the amount of PLN 17)
Parties to the proceedings and public participation	<p>Basically, the applicant/Entrepreneur, owner of or holder of perpetual usufruct right in the real property and holder of limited rights in the property</p>



- **List of legislative acts**
 - [Laws and acts](#)
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- **Definitions of selected terms**
 - [A - P](#)
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Constitution of the Republic of Poland	Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws No. 78, Item 483, as amended)
GML	Geological and Mining Law of 9 June 2011 (i.e. 2015 Journal of Laws Item 196)
2014 GML	GML text before the changes that took effect on 1 January 2015
Act on Amendment	The Act of 11 July 2014 on the amendment of Geological and Mining Law and certain other acts (2014 Journal of Laws Item 1133)
Planning Act	Act on Planning and Spatial Management of 27 March 2004 (i.e. 2015 Journal of Laws Item 199)
Act on Chemicals and Mixtures of Chemicals	Act on Chemicals and Mixtures of Chemicals of 25 February 2011 (Journal of Laws No. 63, Item 322, as amended)
CAP	the Act of 14 June 1960 - Code of Administrative Proceedings (i.e. 2013 Journal of Laws Item 267, as amended)
FEA Act	Act on Freedom of Economic Activity of 2 July 2004 (i.e. 2013 Journal of Laws Item 672, as amended)
Construction Law	Construction Law of 7 July 1994 (i.e. 2013 Journal of Laws Item 1409, as amended)
Geodesic and Cartographic Law	Geodesic and Cartographic Law of 17 May 1989 (i.e. 2010 Journal of Laws No. 193, Item 1287, as amended)
EIA Act	The Act of 3 October 2008 on the access to information about the environment and to environmental information, public participation in environmental protection and environmental impact assessments (i.e. 2013 Journal of Laws Item 1235, as amended)
EPL	Environmental Protection Law of 27 April 2001 (i.e. 2013 Journal of Laws Item 1232, as amended)
Waste Act	Act on Wastes of 14 December 2012 (2013 Journal of Laws Item 21, as amended)
Extractive Waste Act	Act on Extractive Wastes of 10 July 2008 (i.e. 2013 Journal of Laws Item 1136, as amended)
Damage Act	Act on prevention and remediation of environmental damage of 13 April 2007 (i.e. 2014 Journal of Laws Item 210, as amended)
Water Law	Water Law of 18 July 2001 (i.e. 2012 Journal of Laws Item 145, as amended)
Act on Collective Water Supply	Act on Collective Water Supply and Collective Wastewater Disposal of 7 June 2001 (i.e. 2015 Journal of Laws Item 139)
Nature Conservation Act	Nature Conservation Act of 16 April 2004 (i.e. 2013 Journal of Laws Item 627, as amended)
Inland Fisheries Act	Act on Inland Fisheries of 18 April 1985 (i.e. 2009 Journal of Laws No. 189, Item 1471, as amended)
Property Management Act	Real Property Management Act of 21 August 1997 (i.e. 2014 Journal of Laws Item 518, as amended)
Stamp Duty Act	Stamp Duty Act of 16 November 2006 (i.e. 2014 Journal of Laws Item 1628)
Land Conservation Act	Act on Farmland and Timberland Conservation of 3 February 1995(i.e. 2013 Journal of Laws Item 1205, as amended)
Act on Forests	Act on Forests of 28 September 1991 (i.e. 2014 Journal of Laws Item 1153)
Act on Roads	Act on Public Roads of 21 March 1985 (i.e. 2015 Journal of Laws Item 460)
NFB Act	Act on National Fire Brigades of 24 August 1991 (i.e. 2013 Journal of Laws Item 1340, as amended)
NSI Act	Act on National Sanitary Inspection of 14 March 1985 (i.e. 2011 Journal of Laws Item 212 , as amended)
Energy Law	Energy Law of 10 April 1997 (i.e. 2012 Journal of Laws Item 1059, as amended)
Act on Maritime Areas	Act on Territorial Waters of the Republic of Poland and Maritime Administration of 21 March 1991 (i.e. 2013 Journal of Laws Item 934, as amended)
APCHM	Act on Protection and Conservation of Historical Monuments of 23 July 2003 (i.e. 2014 Journal of Laws Item 1446)
The Civil Code	Civil Code of 23 April 1964 (i.e. 2014 Journal of Laws Item 93, as amended)
Act on Explosives intended for Civilian Use	Act on Explosives intended for Civilian Use of 21 June 2002 (i.e. 2012 Journal of Laws Item 1329, as amended)



Act on enforcement proceedings	Act on enforcement proceedings in administration of 17 June 1966 (i.e. 2014 Journal of Laws Item 1619)
CIT Act	Act on Corporate Income Tax of 15 February 1992 (i.e. 2014 Journal of Laws Item 851)
PIT Act	Act on Personal Income Tax of 26 July 1991 (i.e. 2012 Journal of Laws Item 361)
Ordinance on the List of Wastes	Environment Minister's Ordinance of 9 December 2014 on the list of wastes (2014 Journal of Laws Item 1923)
EIA Regulation	Council of Ministers' Regulation of 9 November 2010 on projects that may have a significant effect on the environment (Journal of Laws No. 213, Item 1397, as amended)
Ordinance on the Permissible Noise Levels in the Environment	Environment Minister's Ordinance of 14 June 2007 on the Permissible Noise levels in the Environment (2014 Journal of Laws Item 112)
Wastewater Ordinance	Environment Minister's Ordinance of 18 November 2014 on the conditions to be met at discharge of wastewater to the waters or to the ground and on substances that are particularly harmful to the aquatic environment (2014 Journal of Laws Item 1800)
Ordinance on compliance with obligations of industrial wastewater suppliers	Construction Minister's Ordinance of 14 July 2006 on the approach to ensuring compliance of with obligations of industrial wastewater suppliers and the conditions for discharge of wastewater to sewer systems (Journal of Laws No. 136, Item 964)
Ordinance on particularly harmful substances	Environment Minister's Ordinance of 10 November 2005 on substances that are particularly harmful to the aquatic environment, of which discharge to sewer systems is subject to water law permit (Journal of Laws No. 233, Item 1988, as amended).
Ordinance on compliance with obligations of industrial wastewater suppliers	Construction Minister's Ordinance of 14 July 2006 on the approach to ensuring compliance of with obligations of industrial wastewater suppliers and the conditions for discharge of wastewater to sewer systems (Journal of Laws No. 436, Item 964)
Ordinance on installations that are subject to permitting	Environment Minister's Ordinance of 2 July 2010 on the release of gas or particulates to the atmosphere without a permit (Journal of Laws No. 130, Item 881)
Ordinance on installations that are subject to notification	Environment Minister's Ordinance of 2 July 2010 on installation types of which operation is subject to notification (Journal of Laws No. 130, Item 880)
Ordinance on the protection of animal species	Environment Minister's Ordinance of 6 October 2014 on the protection of animal species (2014 Journal of Laws Item 1248)
Ordinance on the protection of plant species	Environment Minister's Ordinance of 9 October 2014 on the protection of plant species (2014 Journal of Laws Item 1409)
Ordinance on wild mushrooms and fungi	Environment Minister's Ordinance of 9 October 2014 on wild mushrooms and fungi (2014 Journal of Laws Item 1408)
Ordinance on the determination of requirements for new development and land management in the absence of a local planning scheme	Infrastructure Minister's Ordinance of 26 August 2003 on the determination of requirements for new development and land management in the absence of a local planning scheme (Journal of Laws No. 164, Item 1588)
Drilling Ordinance	Economy Minister's Ordinance of 25 April 2014 on detailed requirements for mining plants that produce mineables through boreholes (2014 Journal of Laws Item 812)
BP Ordinance	Infrastructure Minister's Ordinance of 23 June 2003 on: the request for building permit, statement of the right to dispose of the real property for building purposes and the decision on building permit (Journal of Laws No. 120, Item 1127, as amended)
Building Ordinance	Infrastructure Minister's Ordinance of 12 April 2002 on technical conditions to be met by buildings and their location (Journal of Laws No. 75, Item 690, as amended)



Ordinance on geological work programmes	Environment Minister's Ordinance of 20 December 2011 on the detailed requirements for geological work programmes, including programmes of works that are subject to licensing (Journal of Laws No. 288, Item 1696)
Tariff Ordinance	Economy Minister's Ordinance of 18 August 2011 on the detailed principles of setting up and calculation of tariffs for settlements in power trading (i.e. 2013 Journal of Laws Item 1200)
Service Connection Ordinance	Economy Minister's Ordinance of 4 May 2007 on detailed conditions of the power supply system operation (Journal of Laws No. 93, Item 623, as amended)
Ordinance on technical conditions that are to be met by public roads	Transport and Maritime Economy Minister's Ordinance of 2 March 1999 on technical conditions that are to be met by public roads and their location (Journal of Laws No. 43, Item 430, as amended)
Ordinance on detailed conditions of traffic management	Infrastructure Minister's Ordinance of 23 September 2003 on detailed conditions of road traffic management and supervision over the management (Journal of Laws No. 177, Item 1729)
Ordinance on Subdivision of Real Properties	Council of Ministers' Ordinance of 7 December 2004 on the approach to and procedure of real property subdivision (Journal of Laws No. 268, Item 2663)
Conservatorship Ordinance	Culture and National Heritage Minister's Ordinance of 27 July 2011 on delivery of conservation works, restoration works, construction works, architectural surveys and other operations at a listed historical monument and of archaeological excavations (Journal of Laws No. 165, Item 987, as amended)
Ordinance on grants to archaeological excavations	Culture and National Heritage Minister's Ordinance of 10 January 2014 on grants to archaeological excavations (Journal of Laws Item 110)
Ordinance on grants to construction works	Culture and National Heritage Minister's Ordinance of 6 June 2005 on earmarked grants to conservation, restoration and construction works at a listed historical monument (i.e. 2014 Journal of Laws Item 399)
Ordinance on operations plans of mining plants	Environment Minister's Ordinance of 16 February 2012 on operations plans of mining plants (2012 Journal of Laws Item 372)
Ordinance on geological documentation	Environment Minister's Ordinance of 22 December 2011 on geological documentation of a mineable deposit (Journal of Laws No. 291, Item 1712)
Ordinance on geological information gathering	Environment Minister's Ordinance of 15 December 2011 on gathering and access to geological information (Journal of Laws No. 282, Item 1657)
Product Certification Ordinance	Council of Ministers' Ordinance of 30 April 2004 on certification of products for use in mining plants (Journal of Laws No. 99, Item 1003, as amended)
Ordinance on storage of blasting agents	Economy, Labour and Social Policy Minister's Ordinance of 1 April 2003 on the storage and use of blasting agents and blasting equipment in mining plants (Journal of Laws No. 72, Item 655)
Ordinance on opinion-giving institutions for works involving the use of explosives	Economy Minister's Ordinance of 25 November 2002 on the institutions that give opinions on the capability to comply with technical and organisational requirements at works involving the use of explosives intended for civilian use (Journal of Laws No. 203, Item 1716)



Aarhus Convention	Aarhus Convention of 25 June 1998 on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (2003 Journal of Laws No. 78, Item 706)
Drilling Waste Directive	Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC (EU Off. J. L.2006.102.15, as amended)
EIA Directive	Directive 2011/92/EC of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (text with EEA relevance) (EU Off. J. L.2012.26.1, as amended)
Waste Directive	Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (text with EEA relevance) (EU Off. J. L.2008.312.3)
Hydrocarbon Directive	Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons (EU Off. J. L.1994.164.3)
The Lisbon Treaty	The Treaty of Lisbon Amending the Treaty on European Union and the Treaty establishing the European Community made in Lisbon on 13 December 2007 (Off. J. 2009.203.1569)
REACH Regulation	Regulation (EC) 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the registration, evaluation, authorisation and restrictions on chemicals (REACH) and repealing Council Regulation (EEC) 793/93 and Commission Regulation (EC) 1488/94, as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/105/EC and 2000/21/EC (text with EEA relevance) (EU Off. J. L.2006.396.1, as amended)
Mixture Classification Regulation	Regulation (EC) 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, repealing Regulation (EC) 1907/2006 (text with EEA relevance) (EU Off. J. L.2008.353.1, as amended)
Ordinance on geological surveying documentation	Environment Minister's Ordinance of 22 December 2011 on geological documentation of a mineable deposit (2011 Journal of Laws No. 291, Item 1713)
Ordinance on the types of remedial actions and on the conditions of and approach to their delivery	Environment Minister's Ordinance of 4 June 2008 on the types of remedial actions and on the conditions of and approach to their delivery (2008 Journal of Laws N. 103, Item 664)
Commission fracturing recommendations	Commission Recommendation of 22 January 2014 on minimum principles for the prospection and exploration of hydrocarbons (such as shale gas) using high-volume hydraulic fracturing (2014/70/EU) (EU Off. J. L.2014.39.72, as amended)



PIB	Public Information Bulletin, published on the site of the office supporting the authority
PPPLD	Decision on the location of a public purpose project
DEC	Decision on the environmental conditions
RWMB Director	Director of Regional Water Management Board
GDEP	General Director for Environmental Protection
NCR	National Court Register
LMR	Land and Mortgage Register
MoID	Minister of Infrastructure and Development
MoC	Minister of Culture and National Heritage
MWSU	Municipal water and sewer utility
LPS	Local planning scheme
MoE	Minister of the Environment
DMO	District Mining Office
GML	Geological and Mining Law of 29 March 2015
2014 GML	Geological and Mining Law as of 31 December 2014
EWMP	Extractive waste management programme
NSI	National Sanitary Inspectorate

BP	Decision on the approval of a building design and on building permit
OP	Decision on the permit for operation
PHMW	Permit for works at historical landmarks, in the proximity of historical landmarks, of archaeological excavations and other works that are referred to in APCHM and Conservatorship Ordinance
Entrepreneur	The entity that is referred to in GML Art.7.1.9
FB	National Fire Brigades
RDEP	Regional Director for Environmental Protection
CM	Council of Ministers
EU	The European Union
ATW	The Act on Territorial Waters
CA	Cooperation agreement that is referred to in GML Art. 49zi - Art. 49zw
ERO	Energy Regulatory Office
PCHM	Provincial Curator of Historical Monuments
HMO	Higher Mining Office
DSD	Decision on site building-up and development conditions



Construction	Erecting a structure in a given location, including reconstruction, expansion and adding storeys to an existing erected structure
Building	An erected structure which is permanently fixed with the ground, separated from the space with building partitions and fitted with foundations and roof, according to Construction Law Art. 3.2
Downstream user	Downstream user in the meaning of REACH Regulation Art. 3.13
Geological data	Geological data in the meaning of GML Art. 6.1.1
Importer	Importer in the meaning of REACH Regulation Art. 3.10
Geological information	Geological information in the meaning of GML Art. 6.1.2
Safety data sheet	Safety data sheet in the meaning of REACH Regulation Art. 31
PIS	Project information sheet in the meaning of EIA Act Art. 3.1.5
Mixture	Mixture in the meaning of REACH Regulation Art. 3.2
Erected structure	A building with its installations and technical facilities, a structure that forms a single technical-operating unit, including installation and facilities, or a street furniture item, according to Construction Law Art. 3.1
Mining plant's erected structure	Mining plant's erected structure in the meaning of GML Art. 6.1.4
Operator	The entity that is referred to in GML Art. 49j.3
Environmental organisation	Environmental organisation in the meaning of EIA Act Art. 3.1.10
EWMP	Extractive waste management programme in the meaning of Extractive Waste Act Art. 9
Prospection	Prospection in the meaning of GML Art. 6.1
Geological work	Geological work in the meaning of GML Art. 6.1.8
Right to dispose of the real property for construction purposes	A legal title under ownership right, perpetual usufruct right, limited right in property or contractual relationship that provides for the right to perform construction works according to Construction Law Art. 3.11
EIA procedure	Proceedings in the assessment of environmental impact from the planned project, in the meaning of EIA Act Art. 3.1
Producer	Producer in the meaning of REACH Regulation Art. 3.9
Rebuilding	Delivery of construction works that result in changes in operational or technical parameters of an existing erected structure, except for characteristic parameters, such as: volume, building footprint, height, length, width or the number of stories; in the case of roads, only modifications that do require roadway changes are permitted, under Construction Law Art. 3.7a
Entrepreneur/investor	Entrepreneur in the meaning of FEA Act Art. 4.1 or in the meaning of GML Art. 6.1.9, respectively



EIA Report	Environmental impact report in the meaning of EIA Act Art. 66
Construction works	Construction and works involving rebuild, installation, repair or demolition of an erected structure, according to Construction Law Art. 3.7
Exploration	Exploration in the meaning of GML Art. 6.1.13
Position	Position of Waste Management Department of the Ministry of the Environment on potential approaches to handling the flowback fluid during hydraulic fracture stimulation, in the context of waste management, dated 24 July 2014
Substance	Substance in the meaning of REACH Regulation Art. 3.1
Blasting agents	Blasting agents in the meaning of GML Art. 6.1.14
Temporary erected structure	An erected structure that is intended for temporary use over a period shorter than its useful life, which is to be transferred to another location or demolished, as well as an erected structure which is not permanently fixed in the ground, such as: shooting range, street kiosks, outdoor shopping and exhibition pavilions, canopies and pneumatic covers, amusement facilities, crew wagons, container facilities, according to Construction Law Art. 3.5
Extraction of mineables from deposits	Extraction of mineables from deposits in the meaning of GML Art. 6.1.4a
Production/drill site	Production/drill site in the meaning of GML Art. 6.1.18
Recommendation	Commission Recommendation of 22 January 2014 on minimum principles for the prospection and exploration of hydrocarbons (such as shale gas) using high-volume hydraulic fracturing (2014/70/EU)
Mineable deposit	Mineable deposit in the meaning of GML Art. 6.1.19