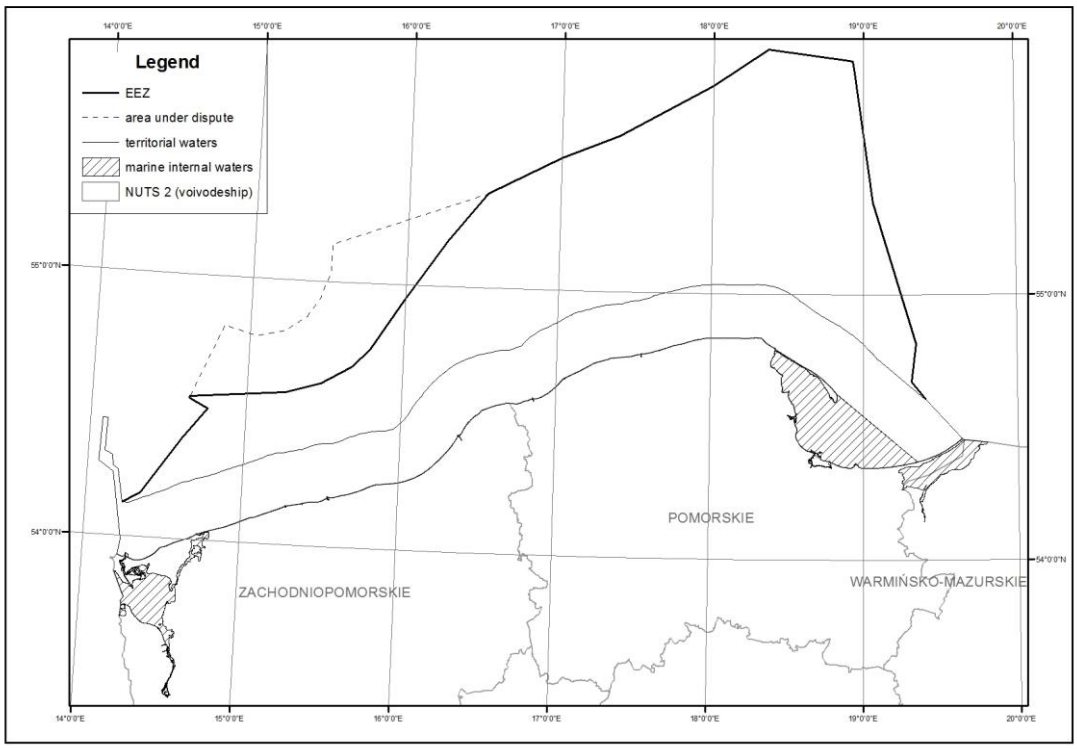
Country Fiche

Poland

Updated February 2019

1. General information



- Internal sea waters: about 2 041 km2
- Territorial sea (12-nm zone): about 8 783 km2
- Exclusive Economic Zone: about 22 595 km2

Disputed area: south of Bornholm with unresolved claims from Denmark and Poland. An agreement between the Republic of Poland and the Kingdom of Denmark concerning delimitation of maritime zones in the Baltic Sea was signed in Brussels on 19 November 2018. Carrently the agreement is being ratified in both countries

1.1. Governance

Polish sea areas are governed by the Minister responsible for maritime economy affairs. The sea area is administered by his regional maritime administration, i.e. the Directors of Maritime Offices (Szczecin, Słupsk and Gdynia).

Construction, operation and use of artificial islands, installations or structures, as well as laying of cables and pipelines, in Polish sea areas require obtaining a permission. This permission is given, by means of an administrative decision. The organ issuing the decision is either the Minister responsible for maritime economy or the territorially competent Director of Maritime Office, depending on localization (EEZ, territorial sea, internal sea waters) and status of spatial planning. Directors of Maritime Offices are responsible for preparation of maritime spatial plans (see section on plans). Other types of permits and licences for the use of the sea space (e.g. construction permits, mining licences, water law permits) are issued by other public authorities, but always after obtaining agreement of the appropriate organ of maritime administration (Minister responsible for maritime economy or Director of Maritime Office).

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2. General information on legislation

The first legal base for MSP was established in Poland in 2003.

2.1 The main legal act is "The Act on Sea Areas of Poland and Maritime Administration of March 21st 1991" (Ustawa z dnia 21 marca 1991 r. o obszarach morskich Rzeczypospolitej Polskiej i administracji morskiej) available in Polish at: http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU20170002205/U/D20172205Lj.pdf

In order to implement Directive 2014/89/EU, the Polish Parliament has adopted changes on The Act on Sea Areas of Poland and Maritime Administration of March 21st 1991, on 4th September 2015, regarding inter alia, MSP procedure in Poland. Regulations concerning maritime spatial planning are placed in Chapter 9: "Maritime spatial planning in maritime internal waters, territorial sea and exclusive economic zone". This chapter describes the whole procedure, basis and principles of developing maritime spatial plans in Poland.

A maritime spatial plan is adopted by ministerial order by the minister responsible for maritime economy who should act in co-operation with the minister responsible for regional development, and in consultation with the ministers in charge of agriculture, culture and national heritage, the environment, fisheries, internal affairs, transport, water management, and the Minister of National Defence. The drafts of the plans are prepared by the territorially competent Directors of Maritime Offices.

Maritime spatial plans determine:

- The destined use of the sea areas
- Prohibitions and limitations in use of sea areas, taking into account the requirements of nature protection
- Distribution of public investment
- Directions for development of transport and technical infrastructure
- Areas and conditions for protection of environment and cultural heritage

2.2 The supporting law is "Ministerial ordinance on required scope of MSPs in their textual and graphic parts" (Rozporządzenie Ministra Gospodarki Morskiej i Żeglugi Śródlądowej oraz Ministra Infrastruktury i Budownictwa z dnia 17 maja 2017 r. w sprawie wymaganego zakresu planów zagospodarowania przestrzennego morskich wód wewnętrznych, morza terytorialnego i wyłącznej strefy ekonomicznej) available in Polish at http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20170001025.

The ordinance specifies:

- MSP terminology,
- scope of the plans and necessary links between different planning regimes (NATURA 2000, terrestrial plans),
- objects to be planned,
- textual and graphics requirements.

2.3 An important role for MSP is also played by the "Act on access to information on environment and its protection, public participation in environmental protection and on

environmental impact assessment" (ustawa z dnia 3 października 2008 r. o udostępnianiu informacji o środowisku i jego ochronie, udziale społeczeństwa w ochronie środowiska oraz o ocenach oddziaływania na środowisko). It stipulates that all spatial plans (in that maritime plans) are subject to SEA procedure.

2.4 Several international conventions and binding legal acts such as UNCLOS, Espoo Convention + Kiev Protocol, Bonn Convention (including EUROBAT, ASCOBANS), CBD, La Valetta Convention, IMO Resolutions and conventions (E.G. MARPOL, COLREGS, INTERVENTION), HELCOM recommendations, EU directives (MSFD, HABITAT, BIRD, SEA, EIA) and many others are transposed to Polish national law.

3. General applicability (e.g. territorial Sea, EEZ, other distinctions)

MSP regulations apply to the whole Polish sea area, i.e. the internal marine waters, territorial sea and EEZ.

4. Spatial Plans

No maritime spatial plan has yet been officially adopted in Poland.

Designation categories:

- Priority use (Funkcja podstawowa),
- Allowed use (Funkcja dopuszczalna),
- Restricted use (Funkcja ograniczona),
- Forbidden use (Funkcja zakazana).

Planned Sea-uses:

- Transportation (T);
- Defence and National Security (B);
- Technical Infrastructure (I, Ip);
- Exploration, prospecting and extraction of minerals (K);
- Coastal protection (C);
- Environmental and nature conservation (O);
- Producing and storing renewable energy (E);
- Space reserved for future use (P, Pw);
- Multi-functional economic growth (M) - specific designation for Gulf of Gdańsk only;
- Environmentally conditioned local development (L) - specific designation for Puck bay only;
- Artificial islands, installations and structures (W);
- Cultural heritage (D);
- Fishery (F);
- Aquaculture (A);
- Tourism, sport and recreation (S);

Information about where to access the MSP data:

MSP areas:
https://mapy.umgdy.gov.pl/pzp/apps/webappviewer/index.html?id=731dc0117f1f4c598e185b50a2842f68

Data regarding draft of the Maritime Spatial Plan of Polish Sea Areas in scale of 1:200 000 can be accessed via Maritime Office Gdynia website:
https://mapy.umgdy.gov.pl/pzp/
OGC services:
https://mapy.umgdy.gov.pl/msp/

What countries want to share

4.1. Pilot plans

Three pilot (non-binding) plans exist in Poland. They are used by the Polish Maritime Administration in its daily decision making as a source of best available knowledge.

4.1.1. Pilot maritime spatial plan for the Western part of the Gulf of Gdańsk

The Pilot maritime spatial plan for the Western part of the Gulf of Gdańsk in its character is a detailed plan with elements of a structural plan. It prioritizes certain uses and formulates general requirements and detailed use restrictions. It covers 40,550 ha of sea area between Gdynia and the Hel Peninsula. The graphic part is in scale of 1:25 000, under the ”92” state coordinate system. The plan covers following sea uses: water transport, water sports and recreation, fishing, maritime structures including artificial islands and submerged structures, technical linear infrastructure, nature conservation, cultural heritage, dredging, reeds, ichthyofauna, sand extraction, dumping. It is based on a grid of sea subareas with defined functions and detailed determinants. English version is available: J. Zaucha (ed.) (2009) Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk, 80 p., ISBN 978-83-62438-05-1, available at: http://www.im.gda.pl/wydawnictwa.

4.1.2. Pilot maritime spatial plan for Pomeranian Bight / Arkona Basin

Pilot maritime spatial plan for Pomeranian Bight / Arkona Basin is a strategic plan prioritizing certain sea uses. It stipulates priority to certain uses and formulates general recommendations, but it also excludes certain users from certain areas. It covers 14,100 km2 of marine waters of Poland, Denmark, Germany and Sweden. The graphic part is in scale 1:2,000,000 in Mercator (54oN) projection (WGS84). The plan covers following sea uses: water transport, water sports and recreation, fishing, maritime structures including artificial islands and submerged structures, technical linear infrastructure, nature conservation, cultural heritage, dredging, reeds, ichthyofauna, sand extraction, dumping.
English version is available: K. Gee, B. Käppeler, S. Toben, G. Chmura, S. Walkowicz, N.Nolte, P.Schmidt, J. Lamp, C.Göke, C.Mohn, (2012) Developing a Pilot Maritime Spatial Plan for the Pomeranian Bight and Arkona Basin, BaltSeaPlan Report 9 available at: http://www.baltseaplan.eu/index.php/Pomeranian-Bight;832/1.

4.1.3. Pilot maritime spatial plan for the Southern Middle Bank

Pilot maritime spatial plan for the Southern Middle Bank is a strategic plan prioritizing certain sea uses. It stipulates priority to certain uses and formulates general recommendations, requirements and prohibitions, (limitations/prohibitions introduced only in four cases). It covers 1751.5 km2 of EEZ of Poland and Sweden. The map of the plan is in scale 1: 200 000, in azimuthally equal-surface Lambert projection (ETRS 1989 LAEA). The plan covers following sea uses: water transport, fishing, mariculture, maritime structures including artificial islands, technical linear infrastructure, nature conservation, ichthyofauna, cultural heritage, sand extraction, research, defence. English version is available: J.Zaucha, M.Matczak, (2012) Developing a Pilot Maritime Spatial Plan for the Southern Middle Bank, BaltSeaPlan Report 10 available at: http://www.baltseaplan.eu/index.php/Middle-Bank;833/1.

4.2. Good practices

Name of good practice	Where tested	Authors	Source (where can be found)
Know how on maritime spatial planning in Natura 2000 areas	Gulf of Gdańsk	Maritime Institute in Gdansk	J. Zaucha (ed.) (2009) *Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk* http://www.im.gda.pl/wydawnictwa
Methodology for SEA for maritime plans	Gulf of Gdańsk	Maritime Institute in Gdansk	L. Kruk-Dowgiałło, R. Opioła & M. Michałek - Pogorzelska (2011) *Prognoza odziaływania na środowisko Pilotażowego projektu planu zagospodarowania przestrzennego zachodniej części Zatoki Gdańskiej.* BaltSeaPlan Report 18 available at: http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#SEAGdasnsk N. Nolte, M. Michałek L. J. Zaucha, J. Przedrzymirska, Kruk-Dowgiałło & R. Opioła (2012) *Strategic Environmental Assessment in MSP. Recommendations from the German and Polish experience*. BaltSeaPlan Report 25 available at http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#SEA
Planning under high level of uncertainty with regard to ecological value of the planned area (application of precautionary principle)	Southern Middle Bank	Maritime Institute in Gdansk	J.Zaucha, M.Matczak, (2012) *Developing a Pilot Maritime Spatial Plan for the Southern Middle Bank,* BaltSeaPlan Report 10 available at: http://www.baltseaplan.eu/index.php/Middle-Bank;833/1, p.69
Identification and classification of information gaps	Southern Middle Bank	Maritime Institute in Gdansk	J.Zaucha, **(**2012**)** *Offshore Spatial Information - Maritime Spatial Planning in Poland* "Regional Studies" vol. 46, No 4, 1 April 2012, pp. 459-473
Comprehensive list of international legislation relevant for MSP in the EEZ.	Southern Middle Bank,	Maritime Institute in Gdansk	J.Zaucha, M.Matczak, (2012) *Developing a Pilot Maritime Spatial Plan for the Southern Middle Bank,* BaltSeaPlan Report 10 available at: http://www.baltseaplan.eu/index.php/Middle-

			Bank;833/1 pp.12,57-562
Stock taking on land necessary for elaboration of a maritime spatial plan	Gulf of Gdańsk	Maritime Institute in Gdansk	J. Zaucha (ed.) (2009) *Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk,* http://www.im.gda.pl/wydawnictwapp. 30-40
Delimitation of 'sea subareas (designated areas) based on functional characteristics in particular ecological features	Gulf of Gdańsk	Maritime Institute in Gdansk	J. Zaucha (ed.) (2009) *Pilot Draft Plan for the West Part of the Gulf of Gdansk. First Maritime Spatial Plan in Poland, Gdańsk,* http://www.im.gda.pl/wydawnictwa, pp. 47-48
Analysing national policies affecting use of sea space	Southern Middle Bank	Maritime Institute in Gdansk	J.Zaucha, M.Matczak, (2011) *National and regional strategies with relevance for Polish maritime space* BaltSeaPlan Report 5 available at: http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#imapctassessment

5. New developments / current status

6.1 Maritime spatial planning process in Poland is divided into development of the following plans:

- Maritime Spatial Plan of Polish Sea Areas in scale of 1:200 000
- Maritime Spatial Plans for Szczeciński Lagoon and Kamieński Lagoon
- Maritime Spatial Plans for Vistula Lagoon
- Maritime Spatial Plans for port area waters
- Detailed plans for selected areas covered by the Maritime Spatial Plan of Polish Sea Areas in scale of 1:200 000

Maritime Spatial Plan of Polish Sea Areas in scale of 1:200 000

Preparation for this plan officially started on 15th November 2013. Plan will cover sea areas referred to in the Act on Sea Areas of Poland and Maritime Administration of March 21st 1991 (with amendments), i.e.:

- exclusive economic zone and the contiguous zone,
- the territorial sea,
- internal waters adjacent to the territorial sea situated between the baseline of the territorial sea and the coast line,
- internal waters of the Gulf of Gdansk with the exception of the waters of the ports referred to in Article 4 Section 4 of the Act on Sea Areas of Poland and Maritime Administration.

The first stage: "Study on the conditions of spatial development of Polish maritime areas with spatial analysis" was completed on March 2015. The document is available in Polish at maritime offices websites, for example: http://www.umgdy.gov.pl/?cat=96
English translation of text (without attachments) and chosen maps are available on the website:
http://www.umgdy.gov.pl/wp-content/uploads/2015/04/INZ_Study_of_conditions.pdf

In late autumn 2015 Maritime Office in Gdynia signed grant agreement on elaboration of the plan. In July 2015 the contractor of the draft plan has been chosen. On 2nd August 2016, Director of the Maritime Office in Gdynia, acting also on behalf of the Director of Maritime Office in Słupsk and Director of the Maritime Office in Szczecin, published official information about starting of development of the "Maritime spatial plan for Polish maritime areas on a scale of 1: 200 000" and strategic environmental assessment of the above plan. In June 2018, the full first version of the plan was developed and submitted for official national consultation process. The third national consultation meeting (the public discussion) concerning the draft plan took place on 5 July 2018, in Szczecin. During the consultation period, approximately 800 comments on the draft plan were submitted. At the beginning of 2019, the second version of the plan was developed and submitted for second round of official national consultation process. Arrangements and opinions from competent authorities have been collected in February 2019. They are often contradictory. Currently, work has been undertaken on them, which will result in development of the third version of the draft plan. The fourth national consultation meeting will be held in Warsaw on 6 June 2019.

In terms of international cooperation and consultations, there are planned meetings with representatives from Baltic Sea Region countries. First international informational and discussion meeting concerning development of the "Maritime spatial plan for Polish sea areas in scale 1:200 000" took place in Gdansk on 18-19 October 2016. Invited were representatives of national authorities responsible for planning and management of sea areas. Second international cooperation and consultations meeting, where first preliminary draft of the Polish plan was presented, took place in Warsaw on 6-7 November 2017. The third and the last international consultations meeting is going to took place on 4-5 June 2019 in Warsaw. During this meeting the third draft of the plan will be presented.

Maritime Spatial Plans for Szczeciński Lagoon and Kamieński Lagoon
Director of Maritime Office in Szczecin has officially started to prepare Draft plans for Szczeciński Lagoon and for Kamieński Lagoon in January 2017. Data inventory, study of spatial conditions and assumptions for the draft plans were prepared. Firstly, a preliminary divisions of the plans into the basins (parts) with a specific function were made and the concept of the draft plans were developed. Each stage of work is accompanied by activities related to public participation. At the end of 2018, the draft plans for lagoons were developed and submitted for official national consultation process. Currently work on submitted comments is ongoing. The progress of work and consulted documentation are available in Polish at: http://www.ums.gov.pl/9-informacje/147-projekty-planow-zagospodarowania-przestrzennego-polskich-obszarow-morskich-morskich-wod-wewnetrznych-dla-zalewu-szczecinskiego-i-zalewu-kamienskiego-projekt-powr-02-19-00-00-pm01-16.html. It is planned to present the draft plan for the Szczeciński Lagoon to the German side in May or June 2019.

Maritime Spatial Plans for Vistula Lagoon – work on this plan is under preparation.

Maritime Spatial Plans for port area waters, i.e. Szczecin, Świnoujście, Police, Dziwnów, Trzebież, Łeba, Ustka, Rowy, Kołobrzeg, Darłowo and Dźwirzyno are under preparation.

Detailed plans for selected areas covered by the Maritime Spatial Plan of Polish Sea Areas in scale of 1:200 000 - work on these plans will be the last stage of planning process in Polish maritime areas and will start after the adoption of the Maritime Spatial Plan of Polish Sea

Areas in scale of 1:200 000. Detailed plans will be prepared in a larger scale and will be consistent with the solutions of the Maritime Spatial Plan of Polish Sea Areas in scale of 1:200 000 and will constitute its necessary specification.

6. How coastal and marine Baltic Sea protected areas (HELCOM MPAs) are taken into account in MSP

Poland, while elaborating its MSP, will follow the HELCOM-VASAB guiding principle of spatial development of the sea areas (2012), where one of them is the so called *ecosystem approach* - demanding intersectoral and sustainable management of human activities and whose aim is to achieve a good ecological status of the Baltic Sea environment. The ecosystem approach is also underlined in Polish *Act on Sea Areas of Poland and Maritime Administration* of March 21st 1991 (JoL 2013, pos. 934 as amended).

Draft plan preparation will be accompanied by the Strategic Environmental Assessment procedure.

Coastal and marine protected areas are taken into consideration in Polish MSP on the basis of the *Act on Sea Areas of Poland and Maritime Administration* and Regulation of the Minister of Transport, Construction and Maritime Economy and Minister of Regional Development dated 5 August 2013 *on maritime spatial plans for Polish sea areas* (JoL 2013., pos. 1051) - accordingly the plan should decide on prohibitions and injunctions in the use of MPA; should include the already approved arrangements of the conservation plans of national and landscape parks, nature reserves, Natura 2000 and other forms of protection.

Highly important for the preparation of maritime spatial plans is the *Act* of 16 April 2004 *on Nature Conservation* (consolidated text JoL 2013, pos. 627 as amended), which states that conservation objectives are implemented, among others, by taking into account the requirements of nature conservation in spatial planning of internal sea waters, territorial sea and exclusive economic zone. Parts of a maritime spatial plan which concern a nature reserve and its buffer zone, a landscape park and its buffer, and area of protected landscape require coordination with the Regional Director of Environmental Protection in scope of the solutions of the plan which could have a negative impact on the protected area.

In practise the information on the MPA are included in the planning process from the very beginning – starting from the data and knowledge inventory. The Polish MSP Inventory (2015) has shown that Polish sea areas are characterized by diverse natural values, which is reflected in the quality, quantity and size of protected areas established in them.

These protected areas include the highest spatial forms of nature protection:

- two national parks - Woliński and Słowiński;
- five Natura 2000 Special Areas of Conservation (SAC) - Puck Bay and Hel Peninsula, Cliffs and Stone Reefs of Orłowo/ Gdynia, Vistula river mouth refuge Slowinska Refuge, Refuge in Pomeranian Bay,
- four NATURA 2000 Special Protection Areas (SPA) - Puck Bay, Vistula River Delta, Pomeranian Bay, Baltic Coastal Waters,
- Słupsk Bank as an area of special protection of habitats Natura 2000 network and Areas of Special Birds Protection Natura 2000.

In Poland, no new protected areas were established under the Helsinki Convention. Instead, nine of Natura 2000 areas (all with largest area) were given the status of HELCOM *Baltic Sea Protected Area*. The total surface of the protected areas is 6494 km2, which represents almost 20% of all Polish sea areas.

