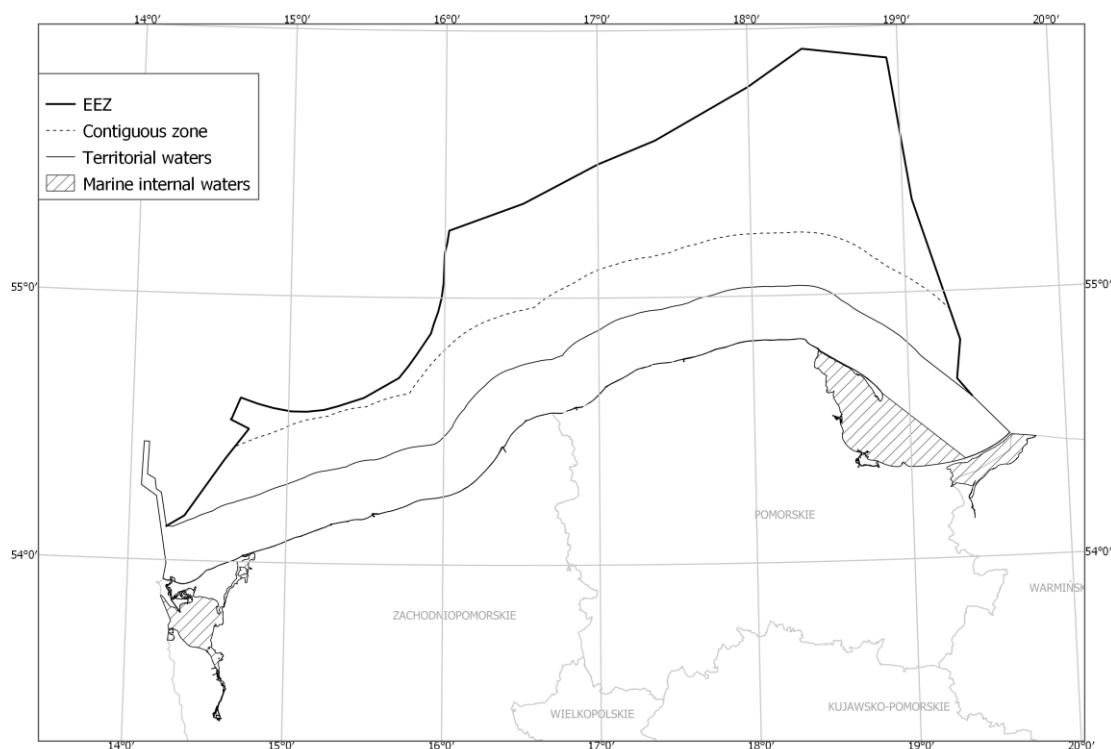




Country Fiche

Poland

1. General information



- Internal sea waters: about 2 041 km²
- Territorial sea (12-nm zone): about 8 783 km²
- Marine contiguous zone (24-nm zone): about 7 787 km²
- Exclusive Economic Zone: about 19 736 km²

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 Director of Maritime Office in Szczecin and Director of Maritime Office in Gdynia.

Directors of Maritime Offices are responsible for preparation of maritime spatial plans (see section on plans). 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. 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 authority 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/WDU20190002169/O/D20192169.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 ordinance by the Council of Ministers. 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

“Maritime spatial plan for marine internal waters, territorial sea and the exclusive economic zone on a scale of 1: 200 000” was adopted by the Regulation of the Council of Ministers of April 14, 2021 (Journal of Laws of 2021, item 935). The regulation entered into force on May 22, 2021.

<https://dziennikustaw.gov.pl/DU/2021/935>

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:

WMS and downloading SHAPEFILES: <https://sipam.gov.pl/mapy/plany-morskie/>

What countries want to share

Good practices

OCEAN GOVERNANCE	<p>Face to face international meetings on various stages of the planning process</p> <p>Thematic, sectoral and bilateral meetings – solving problems oriented</p> <p>Transparent collection of the remarks plus the information on how they were considered – it creates the history of the changes in the project of the plan</p> <p>In Poland the project of the plan was prepared by the contractor within the EU funded project. Application of project management methodology enhances the MSP process.</p>
ECOSYSTEM BASED APPROACH	<p>Environmental impact assessment prepared for the each version of the project of the plan. Thanks to that the planners can address the environmental issues in the next versions of the project.</p> <p>Cooperation with the environmental authorities on every stage of the planning process, i.e., engaging them in the consultation meetings, keeping working relations.</p> <p>Combining blue economy and environmental consideration: the plan reserves 4 km wide migratory corridor between wind farms free of any obstacles to secure free movement of migratory birds if such a need is envisaged during the EIA procedures.</p>
SUSTAINABLE BLUE ECONOMY	<p>promoting multi-use: the marine aquaculture was allowed in the Polish Plan in the same places as offshore energy production and gas and oil extraction in order to minimize the marine space occupied by immobile uses. This is important to secure top priorities of Polish plan i.e., development of shipping and securing safety of navigation.</p> <p>combining blue economy and navigation safety: the plan reserves 2 nautical miles safety buffers around wind farms free of any obstacles to secure safety of navigation.</p>
MONITORING AND EVALUATION	<p>Pan Baltic Scope project activity “Monitoring and Evaluation for Selected National Processes” developed possible concepts and methods to support monitoring and evaluation of the MSP of Poland in the future. This task was conducted in collaboration with the Polish maritime administration and the consultant that was responsible for the preparation of the MSP, but the results of the activity should not be considered as official and are</p>

	not necessary to be implemented in the future. The Polish team found the activity a very good exercise for MSP planners and perhaps the starting point for a discussion on the need for establishing the monitoring of the maritime spatial plans in Poland.
CLIMATE CHANGE	Coastal protection areas, focusing of maintaining natural coastal processes, might be a good practice. The question is - will it be enough in light of more and more intense storms and sea level rise.
SHARING DATA	<p>Sharing GIS MSP data for interested parties during national and international consultation makes process transparent and helps for fast and precise analysis (for example checking coherence).</p> <p>Final, official MSP is often an act of law like regulation or different kind of legal document which shows and describes designated areas etc. MSP GIS data are often non-official but they should be available as well.</p> <p>If there are more maritime spatial plans (like separate plans for Exclusive Economic Zone, territorial sea, marine internal waters) and different authorities are competent for developments, there are many benefits from having common standards for those developments (naming, data specification, visualization of data etc.).</p>

5. New developments / current status

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

- Maritime spatial plan for marine internal waters, territorial sea and the exclusive economic zone on a 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 for marine internal waters, territorial sea and the exclusive economic zone on a scale of 1: 200 000

Preparation for this plan officially started on 15th November 2013. Plan covers 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 coastline,

- 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 in 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 were often contradictory. The work has been undertaken on them, which did result in development of the third version of the draft plan. The fourth and final national consultation meeting was held in Warsaw on 6 June 2019.

In terms of international cooperation and consultations, there were organized 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 took place on 4-5 June 2019 in Warsaw. During this meeting the third draft of the plan was presented, and countries had the opportunity to submit substantive comments on the documentation. The official procedure of transboundary environmental impact assessment of the draft plan, led by the General Directorate for Environmental Protection, started in February 2020. In April 2021 the Council of Ministers adopted the plan. After publishing in the Official Journal, it will become binding.

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 in the period January 2017 - March 2018. The concepts of the draft plans were elaborated in the period April -

November 2018. At the end of 2018, the draft plans for lagoons were developed and submitted for official national consultation process. Each stage of work was accompanied by activities related to public participation and strategic environmental assessment. The public discussion took place in mid-January 2019. After collecting comments from competent authorities and stakeholders the second version of the draft plans were prepared and had to be subjected to the second round of agreements and opinions. The draft plan for the Szczeciński Lagoon was presented to the German side in May 2019. Currently, documentation is being prepared in order to initiate the legislative procedure aimed at adopting the plans. 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-kamienskigo-projekt-powr-02-19-00-00-pm01-16.html>.

Maritime Spatial Plans for Vistula Lagoon

Preparation of the draft plan and Prognosis has started in July 2020. The data and proposals to the plan were collected and the concept of the plan was prepared. In 2021 the first version of the Plan and Prognosis were prepared. The opinions and agreements to the Plan from competent Authorities were collected and public discussion was organized. The second version of the Plan and Prognosis is under preparation now.

The progress of work and consulted documentation are available in Polish at:

<https://www.umgdy.gov.pl/?cat=303>

Maritime Spatial Plans for port area waters

I.e. Szczecin, Świnoujście, Police, Dziwnów, Trzebież, Łeba, Ustka, Rowy, Kołobrzeg, Darłowo, Dźwirzyno and Mrzeżyno are prepared for submission to the minister competent for maritime economy in order to start the legislative procedure, while Gdańsk, Gdynia, Hel, Władysławowo, Elbląg are still under development.

Maritime spatial plan of waters within the boundaries of Port of Elbląg

Preparation of the draft plan and Prognosis has started in July 2020. The data and proposals to the plan were collected and the concept of the plan was prepared. In 2021 the first version of the Plan and Prognosis were prepared. The opinions and agreements to the Plan from competent Authorities were collected and public discussion was organized. The second version of the Plan and Prognosis is under preparation now. The progress of work and consulted documentation are available in Polish at:

<https://www.umgdy.gov.pl/?cat=302>

Maritime spatial plans of waters within the boundaries of Ports of Gdańsk, Gdynia, Hel, Władysławowo

Preparations of the draft plans and Environmental Prognoses have started in January 2020. The data and proposals to the plans were collected and the concepts of the plans were prepared. In 2021 the first versions of the Plans and Prognoses were prepared. After gathering opinions and agreements to the Plans from competent Authorities and after public discussions, the second versions of the Plans and Prognoses were prepared. The second round of gathering agreements and opinions and comments took place at the end of 2021. Presently the third versions of draft plans and Prognosis are being prepared. The progress of work and consulted documentation are available in Polish at:

<https://www.umgdy.gov.pl/?cat=298>

<https://www.umgdy.gov.pl/?cat=299>
<https://www.umgdy.gov.pl/?cat=300>
<https://www.umgdy.gov.pl/?cat=301>

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. 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.

Detailed maritime spatial plan for Gdańsk Bay

Preparation of the draft plan and Prognosis has started in January 2020. The data and proposals to the plan were collected and the concept of the plan was prepared. In 2021 the first version of the Plan and Prognosis were prepared. After gathering opinions and agreements to the Plan from competent Authorities and after public discussion, the second version of the Plan and Prognosis were prepared. The second round of gathering agreements and opinions and comments took place at the beginning of 2022. Presently the third version of draft plan and Prognosis are being prepared. The progress of work and consulted documentation are available in Polish at:

<https://www.umgdy.gov.pl/?cat=304>

The detailed maritime spatial plan for waters adjacent to the seashore from Łeba to Władysławowo

Preparation of the draft plan and Prognosis has started in January 2021. The data and proposals to the plan were collected and the concept of the plan was prepared. The prepared first version of the Plan and Prognosis is now a subject of gathering opinions and agreements from competent Authorities. The public discussion will take place in April 2022. The progress of work and consulted documentation are available in Polish at:

<https://www.umgdy.gov.pl/?cat=389>

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 inter-sectoral 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 2019, pos. 2169 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 Ministerial ordinance on required scope of MSPs in their textual and graphic parts - 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 2020, pos. 55), 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 is 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.

