WATER MANAGEMENT AND PROTECTION IN POLAND

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INTRODUCTION

In this chapter, the authors analyse current legal solutions in the field of water governance, focusing on the Polish water protection administration model. This water protection model differs to a certain extent from the general environmental protection administration model because it places main competences with specialised bodies of government water administration. Due to the character of the regulations in the administrative water protection law, it is not only necessary to transfer responsibilities for task implementation to specialised government bodies, but also adapt, to a certain extent, the legal solutions applied to date with relation to legal water protection measures as well as cooperation measures, including the role of the public.

1. WATER PROTECTION AS THE SUBJECT OF LEGAL REGULATIONS

The Act of Environmental Protection Law (EPL)2 constitutes a general law within the system of environmental protection legislation. As far as water management is concerned, it first and foremost provides the legal framework for water protection issues and outlines their directions (Articles 97–101). Moreover, EPL specifies the way in which environmental resources (including waters) should be protected, inter alia through: a) quality standards for the environment (also waters), supervision of their fulfilment, initiation of activities ensuring their restoration or preventing their violation; and b) emissions reduction on conditions defined in the provisions of the EPL Act concerning prevention of pollution that may originate from installations, equipment, substances or products. Furthermore, some measures included in the EPL Act may be applied for water protection

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2 Prawo ochrony środowiska 2001 (further referred to as the EPL Act).
objectives (e.g., environmental reviews, provisions on civil, administrative and criminal liability, financial measures).

In general, however, water protection issues are regulated in the Water Law Act (WL Act),\(^3\) which constitutes a general law for water protection issues and is supplemented by further legal regulations which comprise specific legal measures of water protection (e.g., the Act on inland sailing, the Act on geological and mining law, the Act on prevention and remedying of environmental damage, the Act on nature conservation, the Act on spatial planning and development). The WL Act is divided into eleven chapters that include *inter alia*: general rules, water usage, water protection, hydro-engineering structures, protection against floods, protection against droughts, water resources management, water associations and river embankment associations, liability for damage, and penal provisions. It transposes and integrates the Water Framework Directive (WFD) and other directives connected with water protection (e.g., Directive 2006/7/EC or Directive 2007/60/EC).\(^4\) Its objective scope covers inland surface waters, underground waters and to a certain extent, internal marine waters and territorial waters. Some issues related to selected water types (e.g., medicinal waters) or selected measures (e.g., underground water prospecting and recognition) are regulated in other acts (e.g., the Act on geological and mining law).

2. **Public Administration System in Water Protection**

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Water resource management, which includes water protection, is implemented in Poland with a division into the following river basins (*dorzecze*): Vistula (*Wisły*), Oder (*Odry*), Dniester (*Dniestr*), Danube (*Dunaju*), Jarft (*Jarft*), Elbe (*Łaby*), Nemunas (*Niemna*), Pregolya (*Pregoly*), Świeża (*Świeżej*) and Uecker (*Ucker*).\(^5\) These river basins are divided into water

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\(^3\) Prawo Wodne 2001 (further referred to as the WL Act).
