

**PREPARED CHANGES OF LAW ON  
LOCATION OF PROJECTS AND  
MARITIME SPATIAL PLANNING**

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# Present

- **Permissions for constructing and using artificial islands, structures, installations and for cables and pipelines**
  - **Given for a period of 5 years**
  - **Issued by minister competent for maritime matters (if an MSP exists – by the director of maritime office)**
  - **Permissions for cables and pipelines in the territorial sea and internal sea waters (territory of Poland) – director of maritime office**
  - **Cables and pipelines in the EEZ – agreement for location and methods of their maintaining must be obtained from the minister**
  - **Fees for the permission: in Polish territory - 300 SDR (+ annual fee for taking up sea space), in the EEZ - 1% of value of the project**

# Present

- **Maritime spatial plans**
  - The scope of decisions/solutions is defined (**in rather general terms**), also who develops the draft plan, who accepts the plan, elements of procedure (**agreement required only within central organs + coastal communities**)
  - **Inconsistencies and missing regulations do not allow legal starting of work on MSPs**
  - **Marine and terrestrial spatial plans – „impermeable”**

# **Proposed changes - permissions**

- **When there is no MSP – for internal sea waters and coastal waters permission issued by the director of maritime office. The Minister issues for the rest of the sea areas**
- **When MSP exists – permissions issued exclusively by the director of maritime office**
- **Cables and pipelines – no change**
- **Permissions for 30 years with possibility of extension for further 20 years**
- **Obligation to start construction works in 5 years**
- **Obligation to start exploitation in 8 years**

# Proposed changes - permissions

- **Permission may become invalid (by administrative decision) if deadlines and other conditions are not kept**
- **Investor obliged to remove structures/installations and damages**
- **Fees in Polish territory – no change**
- **Fee (1% of value of investment) in the EEZ payed in instalments:**
  - **10% after obtaining the permission**
  - **30% after obtaining construction permit**
  - **30% after starting exploitation**
  - **30% within 3 years from starting exploitation**

# Proposed changes - MSP

- **Planning procedures start with ordinance of minister responsible for sea matters**
- **Plan accepted by Order of:**
  - Minister when it concerns the EEZ and the **adjacent zone**
  - Director of maritime office – territorial sea and internal sea waters
- **Extended procedures for agreement, consultation, opinion taking, including public participation**
- **Plans developed in scales:**
  - 1:200,000 and 1:400,000 – strategic plans
  - 1:25,000, 1:10,000 and for ports, bathing waters not larger than 1:2000 (exceptionally 1:5000) – local law
- **Possibility of showing in „sea” plan important information on development on land, and reciprocally important information on development in the sea in „terrestrial” plans**

# Proposed changes – MSP

- **Plans decide on:**
  - Designation of sea basins
  - System of sea basins for sea transport and safety of navigation
  - System of marine protected areas for the needs of environment, nature, landscape, historical heritage, health protection
  - **Distribution of public investment of supra-local importance**
  - Sea basins permanently or temporarily closed with their protective zones
  - Distribution of mining areas
  - **Limitations and principles of sea space use**
  - In case of strategic plans – designation of areas requiring MSPs in scale 1:25,000 and larger

**Advance work on ministerial ordinance on the scope of MSPs in their textual and graphic parts, planning materials, cartographic elaborations, symbols and methods of documenting work on the plans**