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THE CHALLENGE OF IMPLEMENTING THE WATER FRAMEWORK DIRECTIVE IN POLAND

Implementation of the European Union Framework Directive 2000/60/EC on water policy has made Poland, and most of all, the appropriate competent authority of the governmental administration responsible for water management, face problems connected with:

- the transposition of requirements of the mentioned Directive into the Polish legislation, including the legal acts in the environmental sector, in particular,
- institutions responsible for the implementation and enforcement of law,
- monitoring of both the implementation process alone as well as the implementation effects in the field of improving the status of water resources, in terms of both – their quantity and quality,
- appropriate solutions in water management planning and application of relevant techniques.

In 2001 Poland achieved significant progress in the approximation of Polish legislation with the EU environmental law, so as to say that several acts had been approved and published in the Polish Official Journal:

- the Act on Environmental Law,
- the Act on Water Law,
- the Act on the collective water supply and waste water discharge systems.

The Act on Water Law, which is of major importance to the transposition process of the Framework Directive, regulates the management of water resources in line with the principle of sustainable development, especially in the field of the protection of water bodies, the use of water resources and their management. Water management is carried out following the principle of sustainable, balanced and equitable use of surface and groundwater resources, with the consideration of their quantity and quality, as well as the principle of mutual interests, which is applied through co-operation between public administration, the users of water and the local communities.

The principle environmental objective of water management is to ensure good ecological status of water resources in the river basins. The Water Law identifies 2 basic river basins, covering 99.5% of the territory of Poland, and to which small rivers flowing directly to the Baltic Sea have been assigned. They are:

- the Vistula River Basin, and
- the Oder River Basin.

Partly both of these river basins lie outside Poland's national territory:

- in the case of the Oder River – some part of its basin lies within the territories of Germany and the Czech Republic,

- in the case of the Vistula River – part of its basin lies within the territories of Slovakia, Ukraine, Belarus and Lithuania.

This imposes the need for close cooperation with these countries in the field of transboundary waters regulated by the UN/ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, as well as bilateral agreements, together with countries participating in the cooperation on the Baltic Sea regulated by the Helsinki Convention.

Since many years Poland has been conducting water management on the basis of river basins through regional water management boards established over the catchment areas of rivers assigned to the above mentioned river basins. However, it is necessary to make water management principles comply with the provisions of the Framework Directive. The legal basis for water management provisions is ensured by the Act on Water Law. These provisions, however, need to be specified in detail under the executive regulations to the above Act.

For the purposes of water management Poland operates a monitoring system on quantity and quality of waters. However, it requires significant modifications updated to meet the real needs, including the development of environmental and ecotoxicity monitoring methods.

Scientific research has been already undertaken in Poland aiming at pilot scale implementation of these methods and preparation of appropriate services. Poland participates in the implementation of the Guidelines on Monitoring and Assessment of River Waters in line with the EU requirements in a pilot project on the Bug River.

Legal acts specify water management bodies involved in water management and responsible for water supply and waste water discharge systems. Surface waters used for collective water supply have been identified. In Poland all abstracted surface waters (50% of drinking water is abstracted from surface waters) correspond to at least the A₃ category, which require intensive purification treatment methods. Groundwater used as a water supply source for most towns and rural areas in Poland (50% of drinking water comes from groundwater) is of good quality and in most cases meets the requirements of EU legal acts and WHO regulations. Appropriate legal acts transposing the EU Directive on requirements concerning drinking water came into force in 2000.

Also legally regulated is the issue of protected areas. With respect to the pollution abatement and prevention regarding the aquatic environment, since 1974 a system of water permissions for water abstraction and sewage discharge has been legally binding in Poland. The lately adopted acts introduce modifications to this system.

Special plans for the implementation of the directives concerning urban wastewater treatment and hazardous substances have been prepared. Legal acts impose certain obligations onto the “dischargers” of wastewater regarding modernisation, modification, construction or reconstruction of treatment facilities, and in the case of industry – compliance of technology with present requirements (BAT).

In Poland, due to less intensive agricultural production, the problem of water polluted with nitrate compounds does not occur. The adopted “Code of Practice” introduces a systematic approach to pollution prevention for possible risks resulting from future development of

agriculture. The principle of paying for using the environment by the “abstracters” of water and the “dischargers” of waste water into the water bodies remains fully respected. Sources that have been collected in such a way, are redistributed through the National Fund for Environmental Protection and Water Management with its regional funds operating in Poland for the purposes of financing water management investments.

The users of water supply and waste water services, as well as of any other water services cover the actual costs of these services.

It is assumed that the approximation of Polish legal acts with the Framework Directive in the field of water management and with the associated directives will be accomplished by the end of 2002. The implementation of the Framework Directive will be carried out according to the timetable specified by this Directive, but the associated directives concerning urban wastewater treatment and hazardous substances – pursuant to the transitional periods negotiated with the European Union.