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Evaluation of the Post-Accession Effectiveness of the Polish Environmental Policy

Abstract: *The analysed research problem concerns the evaluation of the Polish environmental policy's effectiveness after European Union accession. In this context, we need to highlight several key areas regarded by the author as undermining the impact of the environmental policy. These relate to the vague and imprecise division of competencies between various political entities located within the structure of public authorities and an irrational approach of the legislator to the development of solutions outlined in environmental laws.*

Keywords: *environmental policy, environmental authorities, competencies, Minister for the Environment, national development strategy*

Introduction

When addressing the question concerning the Polish environmental policy's effectiveness, one must highlight several crucial issues and draw attention to factors which, without a doubt, are of primordial importance when speaking of the Polish environmental policy's weaknesses. Nonetheless, we ought to start our considerations with the following observation: the Polish environmental policy originated and became a state activity after a long-term fallacious approach to natural resources development in the conditions of a centrally-managed economy, the success of which was, for many years, based on a resource- and energy-intensity model. The economy that established its potential on heavy industry branches, which generated irreversible changes in the natural environment, became the body responsible for the ongoing environmental degradation. In the 80s, Poland was one of the most polluted and undeveloped European states in terms of technology and civilization. This had an adverse effect on natural resources, landscapes, air, rivers, and water. The political, systemic and economic changes associated with the increase in environmental social awareness, as well as the transformations implicated by the Polish integration processes, led to a rise in the population's interest in environmental problems. We need to stress that European Union membership had a decisive role in the Polish environmental policy's evolution towards sustainable development and environmental improvement.

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The issue of the environmental policy's effectiveness

To return to the tendency underlying our considerations, we may attempt to list factors which reduce the effectiveness of the environmental policy. Here, the imperfections relating to the adopted construction and nature of the document entitled the Environmental Policy seem to be the key. It should be noted that, as far as the determination of the manner in which the set tasks and objectives were to be accomplished, it is an instrument too extensive and imprecise. The lack of solutions indicating who, when and how ought to attain a given goal, raises doubts. This fault stands in opposition to the very nature of the act of planning, which is designed to set forth certain objectives and tasks. The path towards European Union membership turned out to be quite a challenge for Poland with regards to the creation of the internal, state environmental policy, given the necessity to shape it so as to adjust to the commonly accepted principle of sustainable development. Initial difficulties associated with the formulation of environmental policies were justified by the political and systemic transformations, the search for a new development concept and, most importantly, by the lack of previous traditions and experiences relating to its establishment or implementation. Said circumstances substantiated, in a sense, the weaknesses of the planning act.

This ineffectiveness of the environmental policy document should be linked to the fact that it was merely a planning instrument which, unlike a real legal act, had no legal consequences. While in development, elements such as a comprehensive approach to environmental issues and particular attention to the relations between them, should have been accounted for. An environmental policy ought to be synthetic in nature, i.e. its tasks and goals should be expressed clearly. It is important to note that, the state's environmental policy for the years 2009-2012 with a 2016 perspective was the last strategic document binding in Poland in this form. Pursuant to the provisions of the Act dated 11 July 2014 on amending the Environmental Law and some other acts, the idea to develop a separate environmental policy was abandoned, whereas the remaining environmental protection issues were covered by one of the development strategies, the Ecological Safety and Environmental Protection, adopted at central level, subject to the Act dated 6 December 2006 on the development policy's framework. Both the strategy of development regarding environmental issues, and environmental protection programmes are the general planning instruments supplemented by other, more detailed plans and programmes provided for under other legislation². Certainly, the changes introduced were to prioritise the strategic documents in force and to give them a legal framework under the Act on the principles of development policing, in accordance with the document adopted by the Council of Ministers in 2009, entitled:

The principles of the system of Polish development management, and the plan to clarify the development strategy. With a view to the above, we may believe that these changes are changes in the right direction. Still, there are a few other causes for concern. One of them is the lack of a key document which would serve as the foundation for environmental state policy implementation. In practice, this would mean that the environmental policy was to be run in line with the general

² K. Gruszecki, komentarz do ustawy Prawo ochrony środowiska, komentarz Lex 2011.

strategies of development, programmes and programme documents listed in the Act on the principles of development policing³. With respect to the local and regional levels, in turn, provincial, poviats and communal environmental programmes would continue to be binding. Another issue is the weakening of the position of the Minister for the Environment as the entity in charge of policy development, performance and implementation through its departments, i.e. water management and environment, pursuant to the provisions of the Act dated 4 September 1997 on the departments of government administration⁴. The above construction when juxtaposed with the fact that, under the Plan to clarify the development strategy, all environmental issues must be accounted for in the strategy: “Energy security and environment”, creates even more doubts regarding the body responsible for the coordination of the above strategy – i.e. the Ministry for the Economy. Additionally, the environmental policy with respect to nature conservation should also be present in the Strategy of sustainable rural development and agriculture, the coordinator of which is the Minister for Agriculture and Rural Development⁵. In my opinion, these modifications may lead to the lack of consistency across environmental policies, as the Plan to clarify the development strategy omits certain issues included in the State Environmental policy for the years 2009-2012, with a 2016 perspective. The factual and competence dispersion will, most certainly, have a negative effect on the realisation of the state environmental policy due to the failure to provide comprehensiveness and consistency. Moreover, failing to indicate any areas of priority in the new legal basis regarding environmental policy programming may, without a doubt, be an element lowering its class, and as a consequence – its effectiveness.

The remarks presented herein above may, to some extent, encourage a continuation of considerations which would lead to the demonstration of yet other elements reducing the effectiveness of the state’s environmental policy. The model of environmental protection administration, both at the level of central and regional administrative bodies, raises a number of concerns. It should be stressed that the effectiveness of environmental policy depends largely on the position of the body or department with respect to creating the conditions aiming at environmental protection. This department is the Ministry for the Environment which, for many years, was given numerous management and control functions. The demand for a restructuring reform as part of the Ministry for the Environment emerged in Poland in the early 90s but it ended in a fiasco because of a shift in government. Thereby, it led to the abandonment of agreements and ideas established during the round table negotiations. To follow in the footsteps of some European states, we should aim at entrusting technical tasks to specially appointed agencies, which would be responsible for administering natural resources belonging to the Minister for the

³ Art. 4 ust. 1 ustawy z dnia 6 grudnia 2006 roku o zasadach prowadzenia polityki rozwoju (tekst jednolity: Dz.U z 2014 r., poz. 1649)

⁴ Tekst jednolity Dz.U. z 2017 r. poz. 888.

⁵ M. Górski, M. Pchalek, W. Radecki, J. Jerzmański, M. Bar, S. Urban, J. Jendrośka, *Ustawa Prawo ochrony środowiska. Komentarz*, 2014, Legalis (<https://sip.legalis.pl/document-view.seam?documentId=mjxw62zoge4tkmbwgiztomq&groupIndex=0&rowIndex=0>)

Environment⁶. It appears that the adoption of the above solution would ease pressure on the Minister for the Environment related to many technical tasks, including the monitoring of the environment management system. The analysis of the flaws of the environmental protection administration model in the system of competence distribution between the public administrative bodies, we ought to consider them in the context of achievement of set objectives. As M. Górski stipulates, the structures of the public administration apparatus should be created for specific tasks directed at public authorities. Therefore, the shape thereof should optimize the performance of awarded tasks and achievement of the goals set⁷. This aspect seems of utmost importance in the context of the Constitutional provision (Art. 5), which states that environmental protection is one of the fundamental tasks of the Republic of Poland and, as such, it should be carried out in accordance with and respect for the principle of sustainable development. An equally prominent provision of the Constitution is Art. 74(1), which makes all public authorities in Poland responsible for environmental protection and ecological safety for the present and future generations. It is equally important in the context of external conditions associated with European Union membership and the need to accomplish new tasks resulting from the acts of the EU law, and most importantly, from Polish obligations under treaties. Unfortunately, practice demonstrated – considering the numerous changes in the competence layout of environmental public authorities – that these modifications did not serve the pre-established aims because they often had been made without intent and with excessive use of the principle of decentralisation with regards to environmental protection. Here, we should indicate the alterations in the distribution of competencies introduced as a consequence of the Act of 2005⁸, whereby a large part of competencies previously held by voivodes, and regulated by the Water Law act, the Act on Waste, and the Environmental Law act, was handed over to the Marshalls of provinces and provincial assemblies.

These modifications corresponded to the principle of decentralisation, which provides for directing an increasing number of cases to self-governments. However, given that the completion of environmental tasks generates high costs, we need to ponder whether such an excessive decentralisation with respect to environmental tasks is truly desirable. This is all the more important because, as B. Rakoczy rightly notes, in the absence of constitutional provisions which would regulate the division of tasks among state bodies and local authorities⁹, there is a real danger of forwarding environmental tasks to self-government authorities in a careless, causal manner, non-accounting for local conditions and implementation capacities of a given body.

⁶ M. Unfried, *Krajowe ministerstwa ds. ochrony środowiska w państwach członkowskich. Koordynacja spraw europejskich*, [in:] *Europejska polityka ochrony środowiska: wyzwania dla administracji państw członkowskich*, Libra, Białystok, 2005, p. 24.

⁷ M. Górski, *W poszukiwaniu modelu administrowania sprawami ochrony środowiska w Polsce*, [in:], *Między tradycją a przyszłością w nauce prawa administracyjnego*, Księga Jubileuszowa dedykowana profesorowi Janowi Bociowi, ed., J. Supernata, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 2009, p. 176..

⁸ Ustawa z dnia 29 lipca 2005 roku o zmianie niektórych ustaw w związku ze zmianami w podziale zadań i kompetencji administracji terenowej (Dz.U. 2005 Nr 175, poz. 1462 ze.zm.).

⁹ B. Rakoczy, *Rola samorządu terytorialnego w ochronie środowiska*, [in:] *Rola samorządu terytorialnego w prawnym systemie ochrony środowiska*, red. J. Buczińska, D. Strus, R. Stec, Wyd. Aspra-JR, Warszawa 2008, p. 333.

This, in turn, implicates weaknesses of actions undertaken as part of local environmental policies in the form of provincial, poviát and communal programmes relating to environmental protection. Another example of irrationality of the Polish legislator was to distribute competencies among the environmental protection bodies with regards to decisions concerning environmental preconditions¹⁰. These bodies, under the Act on releasing information on the environment, are as follows: the implementing authority in the commune, the regional director for environmental protection, the Director-General for the Environmental Protection, the Regional Directorate of National Forests. In the indicated group of entities authorised to issue decisions on environmental conditions, the head of commune, as the implementing authority in the commune, has the most competencies because it is the competent body responsible for all undertakings not provided for by other bodies, including those performed by communes, in which it is the implementing authority. Such a distribution of competencies leads, in practice, to the following situation: should there be an investment undertaking in the territory of a given commune, the implementation authority would request the issuance of a relevant decision from itself¹¹.

One condition which is necessary to implement the principles resulting from the state's policy concerning environmental protection and environmental protection-related strategic documents is law. Legal provisions should be construed so as to allow completion of strategic documents' tasks and attainment of specific goals stipulated therein. Thanks to the above, law and politics have a "coupled" relationship. It is undeniable that as an area of struggles for power and influence, law determines the future shape of the legal system. However, at the level of the formulation and realisation of specific programmes, law determines the behaviour of the acting actors¹². As J. Wróblewski posits, all politics are treated as actions aiming at arriving at certain objectives. Hence, the politics of law creation from that point of view is treated as a law-making activity on the road to goal attainment¹³. As soon as Poland gained the status of a fully-fledged member of the European Union, difficulties arose with respect to the implementation of EU laws on environmental protection in the national legislation.

They stemmed from insufficient knowledge of the Community law by the participants in its implementation, both at national and regional level. What preconditions successful environmental policy operation is, therefore, a set of adequately organised legal norms, associated in an intentional, consistent, comprehensive,

¹⁰ Decisions concerning environmental conditions are key administrative instruments regulated by the provisions of the Act on the release of information about the environment and its protection, the participation of the society in environmental protection, and the evaluations of the effect on the environment, which is used to ensure a swift and transparent course of the investment process for undertakings which may significantly affect the natural environment or have a potential effect on the environment, such as: construction or extension of a nuclear facility, land reparcelling and exchange, construction of roads and highways, industrial-type investment.

¹¹ G. Dobrowolski, *Organy właściwe do wydawania decyzji o środowiskowych uwarunkowaniach*, [in:] *Ocena modelu prawnego organizacji ochrony środowiska w Polsce i na Słowacji*, ed., E. Ura, J. Stelmasiak, S. Pieprzny Rzeszów 2012, p. 282.

¹² J. Sommer, *Rola prawa w polityce ochrony środowiska*, [in:] R. Alberski, H. Lisicka, J. Sommer, *Polityka ochrony środowiska*, Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 2002, p. 62.

¹³ J. Wróblewski, *Polityka tworzenia prawa a hierarchia wartości*, „Państwo i Prawo”, wrzesień 1983, z. 9 (451), p. 25.

and logical manner, which raises no doubts, i.e. leaves no room for other interpretations, and, more importantly, allows public authorities to efficiently and effectively complete their statutory, public responsibilities¹⁴. On the assumption that law constitutes the foundation for environmental state policy's implementation and, as a consequence, is crucial for its effectiveness, we may analyse, for instance, the provisions regarding the protection of environment¹⁵ and come across gross inconsistencies between the provisions of the act and the principles of the environmental policy. The above programme was adopted as a resolution by the Council of Ministers on 26 November, 2015¹⁶ subject to a delegation expressed in Art. 111(1) of the Act on environmental protection, which stipulates as follows: "The Minister competent for environmental matters drafts a strategy for the protection and sustainable use of biodiversity, and a project of actions". We ought to note here that this instrument is a continuation of the National Strategy for the Protection and Wise Use of Biodiversity with the Action Programme for the years 2007-2013. To return to the background, we must indicate that the structure of the environmental protection act's provision regarding the establishment of the procedure for the creation, change and removal of the national park borders necessitates a prior agreement with relevant legislative bodies of local authorities and requires opinions of interested non-governmental organizations to be submitted within 30 days. What is the subject of heated discussions and a number of controversies is the form of cooperation set forth in the provisions, i.e. the agreement. We should point out that this form of cooperation with such far-reaching consequences has been successfully – and through local authorities – blocking the establishment of novel forms of large area protection, i.e. Mazurski, Jurajski and Turnicki National Park, and the enlargement of the Białowiecki National Park area. As indicated previously, contrary to the provisions of the National Strategy for the Protection and Wise Use of Biodiversity, prioritising the creation of new forms of large area protection and enlargement of the already existing ones, it prevents their implementation. In the currently binding Programme for the protection and sustainable use of biodiversity the problem reoccurs, as in accordance with its strategic principle: "Effective natural resources management" is all about protecting areas of high natural value. It is worth adding that the mid-term goals of the State environmental policy for the years 2009-2014 with a 2016 perspective includes the preservation of rich biodiversity and sustainable economic management. As a result, what transpires from the Report on state environmental policy implementation in 2009-2012 with a 2016 perspective, the increase in the total protected land area proved insignificant and was approximately 0.5% more than in 2008¹⁷.

During the analysis of the environmental policy effectiveness, one should refer to social instruments and see that the low and continually unsatisfying level of social awareness regarding environmental protection is, without a doubt, one of the

¹⁴ M. Rudnicki, *Potrzeba reformy służb ochrony środowiska w kontekście aktualnych wyzwań gospodarczych*, [in:] *Ocena modelu prawnego organizacji ochrony środowiska w Polsce i na Słowacji*, ed., E. Ura, J. Stelmasiak, S. Pieprzny, RS Druk Drukarnia Wydawnictwo Rzeszów 2012, p. 51.

¹⁵ Tekst jednolity; Dz.U. z 2016 r., poz. 2134.

¹⁶ Monitor Polski z 2015, poz. 1207.

¹⁷ Report on state environmental policy implementation in 2009-2012 with a 2016 perspective, Office of the Prime Minister (<https://www.premier.gov.pl/wydarzenia/decyzje-rzadu/raport-z-realizacji-polityki-ekologicznej-panstwa-w-latach-2009-2012-z.html>, accessed on: 5 Jan 2016).

reasons behind the reduction of its effectiveness. A consequence thereof is low social engagement in the processes of public body decision making. This is demonstrated by an incidental contact with offices in cases regarding environmental protection, despite institutional operations offering access to environmental protection data. The reason for this stems essentially from undeveloped educational activities taken by individual local authorities. It appears that self-government authorities ought to initiate training actions addressed at both public officers and local communities to foster and develop social activities¹⁸. Social participation refers both to individual citizens and organized social groups operating within non-governmental bodies. It should be stressed that instruments of social engagement are of particular importance, especially with reference to landscape values and natural variety protection, the quality of which is determined, on the one hand, by local and state authorities' involvement and, on the other hand, by adequate social attitudes to nature. It is about social participation in the strategic decision-making processes, such as normative acts¹⁹, policy guidelines and programmes, procedures for strategic evaluation of the effect on the environment, and decisions concerning individual cases, such a building permission or emissions. Among the possible forms of active involvement in public life, the one which is used the least is the form of co-participation in the management of public affairs. It would seem that co-deciding is the most desirable level of social participation, allowing to establish a dialogue between authorities and citizens and, consequently, delegating certain competencies to citizens, making them co-responsible for the decision-taking processes²⁰.

The problem with environmental policy effectiveness analysed from the point of view of social instruments is particularly evident in the process of creation and implementation of the environmental policy developed locally and relating to communication between local authorities and non-governmental organizations. These imperfections are expressed by the operations of the so-called one-way model, which runs from the public sector to the non-governmental sector and, in practice, is limited to cooperation very late in the process of creating local policies on environmental protection²¹. In my opinion, this unsatisfying model of governmental – non-governmental cooperation follows from a number of issues. Definitely, this is not about the lack of opportunities to engage both actors in the decision-making processes, for there are plenty (the act on access to information about the environment and its protection, the participation of the society in environmental protection and environmental impact assessment). This is, however, about the lack of good will of the representatives of local authorities to take up a complex cooper-

¹⁸ M. Strumińska Kutra, *Przemiany świadomości ekologicznej w Polsce*, „Prakseologia”, 2012 no 152, p. 33-34.

¹⁹ Social participation in the drafting of strategic documents refers to implementing acts, e.g. the regulation of the Prime Minister on the determination and change of national park borders.

²⁰ Szerzej: D. Strus, A. Duk-Majewska, *Partycypacja społeczna w ochronie przyrody*, [in:] *Prawne aspekty gospodarowania zasobami środowiska. Korzystanie z zasobów środowiska*, red. B. Rakoczy, M. Szalewska, K. Karpus, Towarzystwo Naukowe Organizacji i Kierownictwa, Dom Organizatora, Toruń 2014, p. 359.

²¹ Report developed by the Ministry for Labour and Social Policy; „Badania efektywności mechanizmów konsultacji społecznych” (“Analyses of the effectiveness of social consultation’s mechanisms”) during the implementation of the Operational Programme Human Capital 2007-2013, co-funded by the European Union as part of the European Social Fund.

ation with the society. Local bodies limit themselves to meeting their statutory obligations rather than establishing long-lasting, dialogue- and partner-based mutual relations. Nonetheless, we may also try to seek some objective obstacles, such as the fact that the majority of non-governmental organizations have an all-Poland status. In literature, attention is drawn to an impotent “green lobby”, one which could be composed of politicians well-versed in ecology, public officials and business representatives willing to cooperate²².

The problem with environmental policy effectiveness may also be related to the performance of statutory tasks by public authorities at various levels as part of their inherent rights. This refers to the implementation of administrative instruments in the form of strategic environmental impact assessments. The practice associated with their implementation shows numerous irregularities, concerning both giving access to information about the adoption of a strategic document to the public, providing reasons for its adoption, and referring it to respective bodies, i.e. to regional directors for environmental protection and the Chief Sanitary Inspector. The issues were raised after the inspection conducted by the Supreme Audit Office (NIK) in 2015. Its negative evaluation regards, above all, the operation of the crucial strategic element of environmental impact assessments, i.e. the base of strategic environmental impact assessments managed by the Director-General for Environmental Protection. The results of the inspection questioned not only the functioning of the bodies responsible for strategic environmental impact assessments, but also the activities of the Director-General for Environmental Protection, as the body in charge of maintaining the above records. While the former failed to forward information about conducted assessments (which includes an annual update) to the Director-General for Environmental Protection, the latter (the record base) proved to be incomplete. Omissions of public authorities seriously undermine the attainment of objectives set for the instrument, in particular, the monitoring of the process of assessment, starting with data collection, through processing, up to its analysis²³.

The review of environmental policy effectiveness requires more insight in the process of the implementation of the environmental law in the national legal order, especially with regards to keeping the deadlines for complete transposition into the national law. This concerns numerous environmental regulations, among others with respect to the transposition of Directive 2008/50/EC dated 21 May 2008 on ambient air quality and cleaner air for Europe²⁴, or the Council Directive 1999/31/EC dated 26 April 1999 on waste collection. The latter imposed on all EU states an obligation to take up actions to adapt the exploited waste collection sites to specific technical requirements or, if this proved impossible, to close such sites not later than 31 December 2009. We should underline that the process related to the closure of landfills requires rehabilitation with a view to offering protection

²² K. Brendzel-Skowera, *Bariery w realizacji koncepcji zrównoważonego rozwoju w Polsce*, (www.ur.pl/pliki/zeszyt_14/08.pdf, access: 30.01.2016 .).

²³ Inspections included 30 bodies, among others, Directorate-General for Environmental Protection, 6 offices of the Marshalls, 23 municipal offices, Supreme Audit Office (NIK), feedback regarding inspections: *Przeprowadzenie Strategicznych Ocen Oddziaływania na Środowisko Przez Organy Jednostek Samorządu Terytorialnego, Departament Środowiska*. (Strategic Environmental Impact Assessments Performed by Local Authorities, Department for the Environment).

²⁴ Dz.U. L 152 z 11.06.2008, s. 1-44.

against its adverse effect on the surface and ground waters and air. They involve technical and biological procedures to allow devastated areas become useful again. As Poland did not meet its obligations under European Union accession, 300 landfills which did not comply with the legal requirements were still open in 2009, whereas about 180 such landfills remained open after 1 January 2012. In 2015 there were 20 operating landfills not meeting the requirements set forth by the Waste Act. The responsible bodies are local authorities and entities managing the landfills. In the group of public authorities, we should point at Heads of villages, who were obliged to assess existing landfills and stipulate actions to technically adapt installations so that they meet the conditions specified by the law. Still, equally significant to the process were actions taken by the Marshalls of provinces with regards to ensuring expert assessments and performance of the authority to close such landfills²⁵. The actions were not duly executed; neither by the Heads of villages, who were accused of having included inadequate requirements in their administrative decisions, nor by the Marshalls of provinces, who did not provide for proper expert opinions (which constitute the basis for landfill closure) quoting financial difficulties. In addition, landfill management bodies did not enforce the provisions set forth in the adaptation decisions.

To continue with the above considerations, attention should be given to the way in which some economic instruments of the environmental policy are used. A number of imperfections in the field stem from the analysis conducted by OECD as part of the so-called Environmental Review of Poland in 2015. On the one hand, the review is to submit a comprehensive assessment of the progress concerning environmental policy implementation with the Polish decision-makers. On the other hand, its goals are to designate those areas which require new or increased efforts so that the sectoral policies are more effective and consistent²⁶. Special emphasis was placed on the green growth, forestry, biodiversity, waste management and materials management. On top of many developments, not a subject of this study, the analysis of waste management and materials management revealed the need to enhance the opportunities and abilities communes have with regards to waste collection and to increase selective waste collection. As demonstrated by the review, Poland made slow progress on its road to attain its waste management goals. In 2012, approximately 20% of the population had no access to services regarding municipal solid waste, whereas 75% of municipal solid waste went to landfills (OECD average was 45%). As a result of an increase in refuse collection fees, the number of users of this solution dropped. It seems well-justified and desired, then, to increase the level of investment in the waste management infrastructure to above 6 billion Euros, for the burning, recycling and composting of waste.

²⁵ Inspections were carried out between 22nd October 2014 and 26th February 2015 in the Ministry for the Environment, Directorate-General for Environmental Protection, National Environmental Protection Fund, and provincial environmental protection inspectorates. Information was collected from 40 bodies, among others, 16 presidents of the boards of provincial environmental protection and water management funds, heads of villages, and provincial environmental protection inspectorates, (NIK: information regarding the results of inspection: the closure and rehabilitation of substandard landfills, Department for the Environment, www.nik.gov.pl, accessed on: 27 February 2016).

²⁶ The above review is the third review of Poland conducted by OECD; the results of the first one were published in 1995, and of the second one – in 2003. It is the first environmental review comprising the achievements and challenges after Polish accession.

A more extensive application of economic instruments could contribute to the achievement of objectives set by waste management and financial support of enterprises offering such waste installations.

The free greenhouse gas emission allowances, similarly to the majority of European Union member states, are too high, which results in low prices and, consequently, does not provide a sufficient incentive for investing in low-emission energy sources. Instruments aiming at renewable energy sources promotion did not focus on co-burning biomass with coal in the existing energy plants and did not contribute to any increase in investment in more innovative technologies²⁷. Therefore, considering the fact that the share of coal electrical energy is at the level of 85% (2013 data) and that in the near mid-term perspective it will remain the principal energy source, there is an urgent need to retrofit the electrical energy infrastructure. Due to Poland's obligations under the EU climate & energy package regarding the reduction of greenhouse emissions, the reinforcement of the instrument seems to be a well-founded idea.

Conclusions

To conclude, it should be noted that the implementation of the post-accession effectiveness of the Polish environmental policy brings about a few reflections. Analysis of the entities of the environmental policy in the context of public authorities and non-governmental organizations shows that tasks related to environmental protection lie within the scope of competencies of public authorities at all levels. They are implemented through cooperation with NGOs and with the application of instruments ensuring social participation in the process of environmental protection, the right to submit comments, conclusions and the right to take part in environmental proceedings. Administrative and legal and financial instruments applied in the process of the environmental policy implementation allow for the stimulation of certain behaviour of bodies exploiting the environment. Considerations regarding the issue of the effectiveness of the Polish environmental policy after accession demonstrate the need to take up actions in several prominent areas. These concern strengthening Polish legislation in the field of the adequate implementation of the European Union legislation regarding environmental protection. The legal solution construct should allow, rather than impede – as shown herein above, an effective realisation of assumptions under certain planning documents. It appears that there is also an urgent need for changes in the practical, not random, division of environmental competencies between public administrative bodies. What seems to be giving rise to particular concern is the weakening of the position of the body responsible for the implementation of the state environmental policy (i.e. the Minister for the Environment) and abandonment of the drafting of another planning document after 2016 (i.e. the state environmental policy).

²⁷ Przegląd ekologiczny Polski 2015, www.oecd.org/environment/country/OECD%20EPR%20POLSKA%20Najwazniejsze%20PUNKTY.pdf (access: 6.02.2016).

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