

LEGAL ASPECTS OF THE ENVIRONMENTAL PROTECTION POLICY IN THE REPUBLIC OF POLAND. SELECTED ISSUES

ASPEKTY PRAWNE POLITYKI OCHRONY ŚRODOWISKA W RZECZYPOSPOLITEJ POLSKIEJ. WYBRANE ZAGADNIENIA

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Abstract: Environmental protection policy is a multi-faceted issue which interests researchers in different branches of knowledge. The implementation of solutions of the environmental protection may take different forms among which are legal instruments. One of those legal instruments is the environmental protection policy. The aim of this article is to analyse this policy and to evaluate its functioning in the Republic of Poland as one of the public policies. Furthermore, a crucial part of this article is to define the environmental protection policy, national environmental policy and its legal bases. What is more, the article will present the analysis of purposes, directions and areas included in the Polish National Environmental Policy - 2030. To make this analysis complete it is required to indicate symptoms of the sustainable development in the environmental protection policy. As a main tool of consideration, the dogmatic-legal method, has been used. The analysis of the main topic consists of legal acts and literature on the subject (containing Polish and foreign scientific publications).

Keywords: national environmental policy, environmental protection policy, National Environmental Policy 2030 - the development strategy for environment and water management area, sustainable development, public policies

Streszczenie: Ochrona środowiska jest zagadnieniem wieloaspektowym, budzącym zainteresowanie wśród badaczy wielu dziedzin. Realizacja założeń ochrony środowiska może przyjmować różne formy, do których zaliczają się instrumenty prawne. Jednym z instrumentów prawnych jest właśnie polityka ochrony środowiska. Celem artykułu jest przedstawienie założeń polityki ochrony środowiska w Polsce jako jednej z polityk publicznych. W artykule zostanie dokonana próba oceny funkcjonowania i realizacji polityki ekologicznej w Polsce. Kluczowe będzie również zdefiniowanie czym jest polityka ochrony środowiska i polityka ekologiczna, jakie są ich podstawy prawne. Omówione zostaną cele, kierunki i obszary obowiązującej Polityki Ekologicznej Państwa 2030. Uzupełnieniem rozważań prawnych będzie wskazanie przejawów zrównoważonego rozwoju w polityce ochrony środowiska. W artykule zastosowano metodę dogmatycznoprawną. Analizie poddano powszechnie obowiązujące akty prawne oraz literaturę przedmiotu zawierającą polskie, jak i zagraniczne publikacje naukowe.

Słowa kluczowe: polityka ekologiczna państwa, polityka ochrony środowiska, Polityka Ekologiczna Państwa 2030 - strategia rozwoju w obszarze środowiska i gospodarki wodnej, zrównoważony rozwój, polityki publiczne

Introduction

One of the modern world's issues is the strongly progressive degradation of the natural environment. States all around the world engage various solutions (starting from legal acts, which are related to the environmental protection policy, ending with events, which promote ecology). Environmental protection activities are necessary in the context of preserving valuable elements of animated and inanimate nature for present and future

generations. One of the legal instruments shaping environmental protection in Poland is the environmental protection policy, which is a part of Polish public policies. In terms of definition, public policies are related to the activities of the state and entities, leading to the solution of significant social problems. Due to activities undertaken within the framework of public policy, it is possible to solve or inhibit unfavourable processes or phenomena (Izdebski, 2018, p. 222, 229). Public policies are procedural in nature, which in practice means

undertaking a series of systemic actions implemented by public authorities in order to solve problems in various areas of social life and create optimal conditions for development (Kozaczka, 2016, p. 327).

The environmental policy consists of several legal tools focused on everything related to the generally understood protection of the natural environment. The creation and implementation of an efficient environmental protection policy cannot be conducted without the participation of public administration entities. It is appropriate to state that the environmental protection policy is part of the administrative policy.

According to J. Izdebski, specialized public administration, which operates on the basis of the norms of material administrative law, is of particular importance in the creation and implementation of public policy and thus the environmental protection policy (Izdebski, 2016, pp. 224-225). As J. Izdebski emphasizes, the role of public administration is manifested by the application of acts and actions regulated by the norms of administrative law to the addressees of detailed solutions and programmes defined in a given public policy. In connection with this, the doctrine notes a shift away from authoritarian forms of administrative action towards incapacitating and participatory forms aimed at increasing holder participation in shaping and implementing public tasks and solving social problems. It also seems necessary to change the system of forms of public administration activity used in the implementation of particular public policies (Izdebski, 2016, pp. 226-227).

It is due to appropriate legal instruments based on legal norms that it is possible to create and implement an environmental protection policy, and thus public administration entities can effectively solve problems related to environmental protection and its elements.

Research methodology

The main aim of the article is to define the role of the environmental protection policy (hereinafter: EPP) in Polish public policies and to indicate what legal form is provided for EPP in Polish legal order. The foregoing concerning the Polish EPP requires to decide also which Polish legal principle takes superior place in environmental protection. To complete a characteristic concerning the Polish EPP, it is important to at least mention which consists of the Polish EPP in accordance with the European principle of the sustainable development.

Furthermore, a complete characteristic of the Polish EPP also requires a brief analysis of the

environmental protection policy and the ecological policy of the state with an indication of its legal bases. It is essential to define the role of the EPP in public policies in the Republic of Poland.

The paper uses the dogmatic-legal method in the interpretation of legal acts of Polish and EU legislation relating to environmental protection policy. The scientific literature (Polish and foreign) on environmental protection policy has been reviewed. The following legal act was analysed: „National Environmental Policy - 2030”.

Discussion and results

While attempting to analyse the legal basis of the environmental policy, one should pay attention to its Community roots and treaty regulations, which Poland undertook to adopt and implement at the time of accession to the European Union. It may be surprising today that at the beginning of the formation of the European Communities, neither the environmental policy nor the state of the environment was of interest to the then European elites.

The beginning of Community policy on the environment is deemed to be the implementation of the Single European Act and its Title VII "Natural Environment" (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11986U/TXT&from=PL>, access 24.09.2019). In only three Articles, the SEA has for the first time introduced the "polluter pays" principle and the obligation to take preventive action in environmental protection. The next, the Maastricht Treaty established environmental policy as one of the objectives of the European Community. Finally, the Amsterdam Treaty made economic development combined with a high level of environmental protection one of the standards that has since become part of EU primary law.

The European Union's current environmental policy is based on three fundamental principles: the principle of sustainable development, the precautionary principle and the "polluter pays" principle. The EU's current environmental policy focuses in particular on: protecting water, soil and air; reducing emissions of hazardous substances into the environment; increasing the use of renewable sources; transforming the EU into a resource-efficient, green and competitive low-carbon economy; improving environmental integration and policy coherence.

According to Z. Wysokińska, the environmental protection policy of each country should be based on building a closed-loop economy based on: consumption of resources reduced to the necessary minimum; use of renewable resources in

a manner ensuring their regeneration; consumption of renewable energy; introduction of consumption patterns that respect the environment; use of waste as raw materials and processing them without negative externalities (Wysokińska, 2016).

When it comes to environmental policy, research shows that there is a greater awareness of environmental protection in countries with a higher percentage of cities. Moreover, it was noted that in democratic countries with higher income, the effectiveness of actions resulting from the introduced environmental protection policy is higher than in democratic countries with low income (Antonis, Tsarsitalidou, 2019, p. 20).

Referring to the Polish legislation, until the amendment of the Ustawa z dnia 27 kwietnia 2001 roku – Prawo ochrony środowiska (eng. Act of 27 April 2001 – Environmental Protection Act, Dziennik Ustaw z 2019r., poz. 2166, Journal of Laws of 2019, item 2166, hereinafter referred to as: "EPL" or "EPL Act"). The Environmental Protection Act regulated the creation of planning documents concerning environmental protection both at the central level and at the level of the voivodeship, district and commune. The central planning document was called the State Environmental Policy and was adopted by way of a resolution by the Sejm (the draft policy was prepared by the minister in charge of the environment, then adopted by way of a resolution by the Council of Ministers, and then presented to the Sejm, which adopted an appropriate resolution). The current legal system does not develop a separate environmental policy, but the issues of environmental protection are included in the development strategy pursuant to the Ustawa z dnia 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju (eng. Act of 6 December 2006 on the principles of a development policy, Journal of Laws of 2019, item 1295). The amendment of the Environmental Protection Law Act of 11 July 2014 introduced the concept of an environmental protection policy into the Act instead of the existing environmental policy.

In the Environmental Protection Law Act before the amendment of July 2014, the definition of an environmental policy already functioned. Its main objective was to create optimal conditions for the implementation of environmental protection. The state environmental policy was drawn up on the basis of the current state of the environment. A properly drawn up ecological policy of the state should specify in particular ecological objectives, ecological priorities, levels of long-term objectives, type and schedule of pro-ecological actions taken, measures necessary to achieve the objectives, including legal and economic mechanisms and

financial resources (Ciechanowicz, Mc-Lean, 2009, p. 253).

The current Environmental Protection Law Act already refers to the environmental protection policy. According to Art. 13 EPL Act., the environmental protection policy is a set of actions aimed at creating conditions necessary for the implementation of environmental protection, in accordance with the principle of sustainable development. The environmental protection policy is an imperative act, it aims to create conditions for the implementation of environmental protection.

The environmental protection policy cannot be classified as a source of universally applicable law pursuant to Article 87 of the Constitution of the Republic of Poland, from which rights and obligations would arise (Gruszecki, 2019, p. 96). As emphasised by M. Bar and J. Jendrośka, while the provision from Article 13 EPL Act. in its version before the amendment of July 2014 defined the goal of the ecological policy as the creation of conditions necessary for the "implementation of environmental protection", in the amended version only the "environmental protection policy" is mentioned, while the provision defines its goal as the "creation of conditions necessary for the implementation of environmental protection in accordance with the principle of sustainable development". This change is not only of a purely editorial nature, as it reflects a rather radical change in the approach to the environmental protection policy, which is now to be fully harmonised with the more general development strategies of the country, as a consequence of which there was a departure from the creation of a separate document called Environmental Policy in favour of including the environmental protection policy in the documents outlining the development strategies of the country of a more general nature (Bar, Jendrośka, 2019, p. 153).

The doctrine clarifies the view that the use of the term "ecological policy" is inappropriate. This makes it all the more unacceptable to equate ecological policy with environmental policy or to use these terms as synonyms (Lisowska, 2006, p. 219). As A. Lisowska notes, the term "ecological policy" or "ecopolitics" may suggest that the subject of these policies are the mutual relations between the plant and animal worlds. This is not the case, however, because the very definition of the term "politics" clearly defines the subjective and objective scope, and which areas are not analysed in terms of relations between man and nature (Lisowska, 2006, p. 221). According to A. Lisowska, environmental protection is an element connecting the natural with the social (political). The environmental protection policy (and not the

environmental policy/ecopolitics) also takes into account the relationships between humans and nature, as well as potential and real problems resulting from the human impact on the environment (Lisowska, 2006, p. 223). Thus, the environmental policy is a sequence of decisions and then actions or omissions of actions taken by specific policy entities (Antoszewski, 1999, p. 12). As a consequence, these decisions may lead to the deterioration, maintenance or improvement of the state and function of the natural environment in relation to the broadly understood social system and its participants (Lisowska, 2005, p. 27). As A. Lisowska emphasizes, the common platform of the ecological policy (ecopolitics) and the environmental protection policy is the fact that ecology is one of the sciences presenting to man the knowledge about the processes taking place in nature and the laws that govern them. Ecology allows us to understand the essence of the natural environment and identify the problems that threaten it. This, however, is the basis for determining the objectives and instruments used in environmental policy (Lisowska, 2006, p. 223). M. Bar and J. Jendrośka also share A. Lisowska's view on the incorrect use of the concepts of the environmental policy and the environmental protection policy interchangeably (Bar, Jendrośka, 2014, p. 75).

Both the state's ecological policy and the contemporary environmental policy are an example of planning in environmental protection. Although the concept of the ecological policy of the state has a legal character, it is also used in political sciences. As professor Ciechanowicz Mc-Lean stresses, political science recognises that the state's environmental policy is based on the protection of the already existing environment, its rational use and prevention of its degradation. In addition, social groups, environmental organisations and other individuals may play an important role in the process of creating and functioning of the state's environmental policy in practice (Ciechanowicz, Mc-Lean, 2009, p. 252-253).

As M. Bar and J. Jendrośka emphasize, there were numerous controversies regarding the order of documents concerning the development strategy in environmental protection. While the very idea of ordering the above-mentioned documents and more closely correlating them with the general development strategies of the country seems to be most justified and worthy of support, the intended method of its implementation raised doubts (Bar, Jendrośka, 2019, p. 152).

The legal act currently in force which details the assumptions of the ecological policy in Poland is the "Ecological policy of the state 2030 -

development strategy in the area of environment and water management" implemented by the Uchwała nr 67 Rady Ministrów z dnia 16 lipca 2019 r. w sprawie przyjęcia "Polityki ekologicznej państwa 2030 – strategii rozwoju w obszarze środowiska i gospodarki wodnej (Resolution No. 67 of the Council of Ministers of 16 July 2019 on the adoption of the "Ecological policy of the state 2030 - development strategy in the area of environment and water management", Monitor Polski 2019, item 794, hereinafter: "Environmental Policy 2030 - development strategy in the area of environment and water management" or "EPS 2030"). This act takes the form of a resolution of the Council of Ministers. The legal basis for adopting EPS 2030 is Article 14(5) of the Act of 6 December 2006 on the principles of development policy (Journal of Laws of 2019, item 1295). The aim of this document is mainly to ensure the ecological safety of Poland while maintaining a high quality of life for all its inhabitants (<https://bip.mos.gov.pl/strategie-plany-programy/polityka-ekologiczna-panstwa-2030-strategia-rozwoju-w-obszarze-srodowiska-i-gospodarki-wodnej/>, access: 22.09.2019). When discussing the EPS 2030 strategy, one cannot fail to mention another document that preceded it, namely the Strategy for Responsible Development until 2020 (with a perspective until 2030), which was adopted on 14 February 2017 (hereinafter: SOR Strategy). The purposefulness of the analysis of both strategies lies in the fact that the EPS 2030 Strategy is a clarification and detailing of the SOR Strategy.

The main objective of the SOR strategy, as duplicated by EPS 2030, has been chosen: *creation of conditions for the growth of income of the inhabitants of Poland with simultaneous increase of cohesion in the social, economic, environmental and territorial dimension* (<http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WMP20170000260/O/M20170260.pdf>, p. 36, access: 26.09.2019). The key to economic development was a comprehensive approach to the environment, where, in addition to measures aimed at its protection, the citizen was made a beneficiary of this development (Resolution No. 8 of the Council of Ministers of 14 February 2017 on the adoption of the Strategy for Responsible Development until 2020 (with a perspective until 2030) Official Journal of the Republic of Poland, Monitor Polski of 2017, item 260; p. 36). The implementation of this objective is expressed in the programme of the Ministry of Investment and Development "Intelligent Development 2014-2020", and within its framework, organised calls for programmes whose beneficiaries are not only entrepreneurs but also

natural persons. The programme described above is in line with the objectives of the national environmental policy. The effect of these programmes is to implement technological and communication innovations, new methods of management in administration and broadening the competences of natural persons (in order to stimulate professional activity or establish a business) (<https://www.gov.pl/web/inwestycje-rozwoj/nabory-dedykowane-w-2019-roku>, access: 30.10.2019).

The objective of the SOR Strategy constructed in such a way is to improve the financial status of the entity in the long term by improving both its material situation and enabling it to broaden its competences, improve its infrastructure and safety.

All these elements are also intended to serve another purpose, which is to gradually achieve a comparable level of income in Poland to the EU average. The SOR strategy also covers public administration bodies, making their approach to entrepreneurs and citizens more friendly. The above-mentioned main objective of the SOR Strategy is to be implemented through a number of specific objectives, to which they belong:

- increasing the competitiveness of the economy through innovations, export and increase in the value of capital mobilised for investments in the enterprise sector,
- making fuller use of social and territorial resources,
- undertakings increasing the effectiveness of the functioning of inclusive state institutions serving enterprises and citizens (<http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WMP20170000260/O/M20170260.pdf>, s. 39, access: 26.09.2019).

The first of the goals is to reorganise the Polish industry in order to increase the innovation factor. The above mentioned innovativeness is to be achieved through the use of modern technological and organisational solutions, which will constitute a result of using one's own resources of enterprises (Resolution No. 8 of the Council of Ministers of 14 February 2017 on the adoption of the Strategy for Responsible Development until 2020 (with a perspective until 2030) Official Journal of the Republic of Poland Monitor Polski of 2017, item 260; p. 39). When formulating this objective, the situation of small and medium enterprises was also taken into account, specifying that apart from the innovation aspect, the objective of the SOR strategy is the creation of friendly legal instruments, conducive to the development of enterprises.

An example of the implementation of this objective is the programme of standards of investor

service in self-government implemented in, among others, the Malopolskie and Podkarpackie voivodeships, which aims at educating public administration staff to provide more effective service to entrepreneurs investing in the territory of a given self-government (<https://www.fundusze-europejskie.gov.pl/nabory/218-wysokiej-jakosci-uslug-administracyjne-3/>, access: 30.10.2019).

The second of the specific goals provides, on the one hand, the efficient use of social resources. It means first of all the necessity to create an economy with a high level of employment, care for access and high quality of provided services and appropriate use of human potential. On the other hand, the main objective is to be achieved by means of an effective regional policy, providing for equal economic development and use of the potential of particular regions of the country (Resolution No. 8 of the Council of Ministers of 14 February 2017 on the adoption of the Strategy for Responsible Development until 2020 (with a perspective until 2030) Official Journal of the Republic of Poland Monitor Polski of 2017, item 260; p. 40).

The third of the specific goals, which is as important as the other two, provides for changes to the regulatory framework. According to this objective, the Polish state will strive to create a field for fair competition and improve the legal system. The authors of this strategy drew attention to the necessity of creating a stable and predictable legal system, where both administrative bodies and private sector entities will be a partner in its creation. The detailed objective of this strategy was also made to reduce the bureaucratisation of administrative activities. Apart from that, the SOR strategy focuses on the fullest possible digitalisation of services provided to the citizen and business entities. Moreover, the SOR strategy includes a declaration on more effective use of EU funds through investments in areas or areas which will be characterised by greater sustainability of effects and effective use of these funds.

As a complementary to the specific objectives contained in the SOR strategy, three more have been added to the EPS 2030 strategy:

- the improvement of environmental quality and environmental safety,
- sustainable management of environmental resources,
- climate change mitigation and adaptation and disaster risk management (EPS 2030, p. 47).

The specific aims added by the EPS 2030 strategy are indeed areas of environmental policy action. They focus mainly on improving water management systems, improving air quality

through, inter alia, the development of modern heating methods, reducing transport emissions, improving soil quality, or extremely important effective waste management or the introduction of an effective raw material management system. A very important point in the implementation of the EPS 2030 strategy are measures aimed at counteracting climate change, which at the same time are in line with the assumptions of the national climate policy and the provisions of the Paris Agreement (EPS 2030, p. 60). Nevertheless, the area of particular interest of the EPS 2030 strategy are those places where acceptable environmental indicators have been exceeded a long time ago (we are talking mainly about the state of air in cities, the state and quantity of water suitable for human use, soil pollution or climate change).

The examples of activities aimed at achieving the above objectives are: the programme of Polskie Górnictwo Naftowe i Gazownictwo (eng. Polish Oil and Gas Company) co-financing of heating furnaces for more ecological ones (<https://www.gov.pl/web/energia/wymiana-pieca-z-dofinansowaniem-od-pgnig>, access: 30.10.2019), the National programme of environmental regeneration of soils by liming them" (<https://www.gov.pl/web/srodowisko/informacja-nt-ogolnopol-skiego-pro-gramu-regeneracji-srodowiskowej-gleb-poprzez-ich-wapnowanie>, access: 30.10.2019), as well as continued training and information campaigns promoting selective waste collection.

Referring to the European principles of environmental policy listed in this scientific paper, also in Polish environmental law it is the principle of sustainable development that has been recognized as the most important. Article 13 of the Environmental Protection Law Act stipulates that the environmental protection policy should be based on the principle of sustainable development.

The principle of sustainable development results from Article 5 of the Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws of 1997 No. 78, item 483, as amended), which proves its inclusion in the high rank of state values. The environmental protection policy is an important instrument for the implementation of the sustainable development principle, which can be inferred from Articles 5 and 74 of the Constitution of the Republic of Poland (Bar, Jendrośka, 2014, p. 76). The principle of sustainable development is binding, as evidenced by its inclusion in the Constitution of the Republic of Poland, as well as other legal acts of a lower rank (Kielin-Maziarz, 2013, p. 58). As J. Boć claims, the provision contained in Article 5 contains programme norms on which the pace and manner of their implementation depend (Boć, 1998, p. 23).

This implementation takes place through the actions of all public authorities, i.e. the legislative, executive and judicial authorities (Winczorek, 2000, p. 18). According to M. Bar and J. Jendrośka, the tasks resulting from Article 5 of the Constitution of the Republic of Poland should be implemented in accordance with the definition of sustainable development (Article 3(50) of the Act on Sustainable Development), while its practical significance, due to the way it is formulated, is rather small (Jendrośka, Bar, 2005, p. 37).

The legal definition of sustainable development is contained in the Environmental Protection Law Act. In accordance with Article 3(30), sustainable development is such a social and economic development in which the process of integrating political, economic and social activities takes place, while maintaining the natural balance and durability of basic natural processes, in order to guarantee the possibility of satisfying the basic needs of individual communities or citizens of both the contemporary and future generations. As Z. Bukowski emphasizes, this definition specifies sustainable social and economic development with a specific objective and character. Its aim is to guarantee the possibility of satisfying the basic needs of people. This indicates the anthropocentric character of sustainable development. The essence of sustainable development is the integration of politics, economy and social activities with basic natural requirements (Bukowski, 2012, p. 193).

According to K. Gruszecki, the significance of the statutory definition of sustainable development, related to legal aspects of environmental protection, goes far beyond the scope of the Environmental Protection Law Act, which affects a very large practical significance (Gruszecki, 2019, p. 72). It should be noted that legal acts define the framework of sustainable development in the Polish legal system. The achievement of the assumed objectives is based on the cooperation of the society, local government and administration. The literature highlights the incompleteness of the three dimensions of the sustainable development principle, i.e. the economic, ecological and social dimensions (Bukowski, 2009, p. 526). Balancing environmental protection needs with economic development is possible but requires dialogue and mutual understanding of the social and private interests at stake (Radziwon, 2015, p. 291). In Poland, however, the prevailing view is that environmental protection hinders development (Bołtromiuk, 2011, pp. 162-163). From a legal and practical point of view, the essence of the definition of the sustainable development principle is "meeting current needs without prejudice to future

generations" (Raczyńska, 2014, p. 123). The principle of sustainable development is not a process principle but plays a special role in the process of applying the law. This principle is broader and covers both procedural and legal issues as well as material and legal issues (Rakoczy, 2015, p. 43).

As G. Ignatowicz stresses, the problem of implementing the principles of sustainable development is of global importance, but (due to its membership in the EU), the European path to achieving resource efficiency is shaped by the European Union (Ignatowicz, 2015, p. 233). According to G. Ignatowicz, sustainable development is not environmental protection in the traditional sense. It takes place in the ecological space through cooperation of economic, environmental, social and economic factors. Sustainable development is a challenge to maintain prudence and reason in every sphere of life (Ignatowicz, 2015, p. 234). Environmental sustainability and environmental protection cannot be ensured by market mechanisms; therefore, the state environmental policy plays an important role in this process. The most important issue in this policy is the principle of equilibrium (Dobrzański 2011). Sander R.W. van Hees proposed a definition of sustainable development as stimulating and encouraging economic development while protecting society and improving the environment (at global and European level) for the benefit of present and future generations (Van Hees 2014).

According to the essence of discussed doctrine views, when applying the principle of sustainable development, public administration entities should always find a balance between economic development and the environmental protection policy. The Polish environmental protection policy, performed with accordance with a constitutional and European principle of sustainable development, does not forbid every human action just because of the protection of the environmentally precious species or natural habitat. However, several legal limitations existing in the Polish EPP are guarantees for appropriate environmental protection as well as efficient application for the principle of sustainable development.

Conclusions

Considerations undertaken in this article led to the conclusion that today's environmental protection policy is one of the most important public policies not only in the European Union but also in Poland. This conclusion stems from a growing awareness of

the Polish society about the necessity to protect our environment. Even the Polish Constitutional Tribunal highlighted the importance of the environment by defining it as a superior benefit for present and future generations.

Having regard for the considerations undertaken in this article it should be stated that the environmental protection policy contributes to the protection of the elements of animated and inanimate nature, if only because of the planning of this protection. In this way, it is possible to predict the effects of various activities or to introduce development or recovery plans. The analysis shows that it is incorrect to use the notions of environmental policy and environmental protection policy interchangeably. Over the years, in the area of environmental protection, chaos was noticeable in the number of documents, plans, strategies and policies.

With regard to the three fundamental principles of the environmental protection policy, as a pivotal rule, the constitutional principle of the sustainable development should be noted. The environmental policy contributes to the balance between environmental protection and economic development. The common element of the environmental policy and sustainable development is to take action which ensures simultaneous development but also does not cause negative consequences for the environment. Such measures should be based, inter alia, on the use of renewable energy sources, reduction of greenhouse gas emissions, protection of water, land and forests.

Despite the existence of many programmes and environmental protection strategies, it was decided to create one legal document defining the Environmental Policy of the State 2030. However, this legal act introduces a terminological problem. The assumption of the EPS 2030 is the environmental protection policy, which took the form of a strategy – a document situated at the end of the hierarchy of the legal sources of law in Poland (a document of the least importance). Nevertheless, the name "environmental protection policy" has originally been used to refer to the ecological policy functioning in the Environmental Protection Law Act before July 2014 (the Act is one of the most important sources of environmental law in Poland after the Constitution of the Republic of Poland and EU law). Despite those legal incoherences which truly have not yet been solved, the general idea of creating a superior document in the shaping of the environmental protection policy should be assessed positively. Unfortunately, such a document has not yet been introduced.

Despite terminological complications, the fact that both the SOR strategy and the EPS 2030 strategy are aimed at improving the state of the environment while taking into account the financial situation of citizens deserves our approval. The EPS 2030 strategy is a comprehensive approach to solving the problem of environmental pollution. Nevertheless, there are concerns whether the areas and objectives indicated in the strategy will not turn out to be too broad for the Polish state, and thus will result in a selective approach to the problem or, what is worse, the postponement of the implementation of the selected assumptions. Finally, it should be stressed that the EPS 2030 strategy has been in force only since July 2019, so it is worthwhile waiting until the first effects of its implementation emerge to assess its effectiveness.

The European Commission, having examined the actions taken so far by Poland to implement an environmental protection policy in line with EU standards, has indicated that Poland has made good progress. In spite of this, there are areas that need to be worked on, and these are above all: the necessity for faster conversion of all sectors of the economy to a closed-loop economy, creation of a national project to support local governments in the field of waste management, acceleration of replacement of old central heating furnaces and those that do not meet the requirements of central heating furnaces with more ecological and low-emission ones, improvement of surface water monitoring or increasing the use of EU funds to reduce waste generation and encourage separate collection and recycling of waste (https://ec.europa.eu/environment/eir/pdf/report_pl_pl.pdf, access: 31.10.2019).

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