

# **ClientEarth**<sup>®</sup>

Prawnicy dla Ziemi



**JOINT SUBMISSION OF FOUR CIVIL SOCIETY ORGANIZATIONS**

**Fundacja ClientEarth Prawnicy dla Ziemi** (submitting organization)

**Fundacja Frank Bold**

**Helsińska Fundacja Praw Człowieka**

**Fundacja WWF Polska**

UNIVERSAL PERIODIC REVIEW (FOURTH CYCLE)

**POLAND**

Warsaw, 31 March 2022

## **I. Description of the main activities of the organizations**

**ClientEarth Prawniczy dla Ziemi** is a foundation located in Warsaw consisting of lawyers and environmental experts and which uses the law to hold governments and businesses to account over climate change, nature loss and pollution. Date of establishment: 2010. More at: [www.clientearth.pl](http://www.clientearth.pl). ClientEarth is the submitting organization.

**Frank Bold Foundation** is a non-governmental expert legal organization based in Kraków working to protect human rights, the right to a clean environment and respect for the principles of a democratic state under the rule of law. Date of establishment: 2012. More at: [www.frankbold.pl](http://www.frankbold.pl).

**Helsinki Foundation for Human Rights (HFHR)** is a non-governmental organization based in Warsaw. Since 2007, HFHR has had consultative status with the United Nations Economic and Social Council. HFHR's objective is the promotion and protection of human rights. Date of establishment: 1989. More at: [www.hfhr.pl/en](http://www.hfhr.pl/en).

**Foundation WWF Poland** has as its mission to stop environmental degradation and create a future where people live in harmony with nature. In Poland, WWF protects rivers and forests, promotes sustainable development and fisheries, and tries to counteract climate change. WWF Poland implements conservation programmes for wolves, lynxes and bears, and for Baltic mammals – seals and porpoises. WWF Poland is trying to limit the illegal trade in endangered species of plants and animals. Date of establishment: 2003. More at: [www.wwf.pl](http://www.wwf.pl).

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## I. Administration of justice and the rule of law

### A. Undermining the independence of the judiciary and the capacity of the judicial system

1. **The rule of law crisis.** Since the end of 2015, the governing majority has adopted almost 20 different pieces of legislation concerning the judiciary. The changes have failed to address the systemic problems in the justice system (e.g. excessive length of proceedings or access to justice for marginalized groups). In fact, the majority of the changes aimed at widening political control over the judiciary. The first changes concerned the Constitutional Tribunal – one of the highest-ranking courts and a key element in Poland’s system of checks and balances. After adopting six different Acts concerning the Tribunal, in 2017, the governing majority managed to take political control over this institution, making it ineffective in the judicial review process. Furthermore, three persons illegally appointed to the position of judges of the Constitutional Tribunal continue to adjudicate in cases pending before the Tribunal.
2. **The National Council of the Judiciary (NCJ) in Poland.** The Council is a constitutional body responsible for protecting the independence of judges and courts. As a result of changes adopted in 2017, the Parliament gained almost exclusive competence to elect new members of the Council, and, as a consequence, gained control over the process of appointing new judges to the common courts and the Supreme Court. Due to irregularities in the composition of the Council, there are a growing number of concerns regarding the legality of the Council’s decisions appointing judges and other potential threats to the right to a fair trial. Recently, the European Court of Human Rights found that terminating the term of office of the previous members of the National Council of the Judiciary without providing them a right to appeal against their termination violated Article 6 of the European Convention on Human Rights (*Grzeda v Poland*, application no. 43572/18)<sup>1</sup>.
3. **Pressure on judges.** The governing majority changed the system for disciplinary proceedings against judges. Currently, the Minister of Justice has significant influence on the decision whether to investigate a judge for violations of the professional codes of ethics. The Minister of Justice appoints the disciplinary commissioners who act as prosecutors in proceedings against judges; the Minister of Justice also appoints the judges in first-instance disciplinary panels. Since 2018, NGOs and judges associations have documented numerous disciplinary proceedings which were initiated without reasonable justification and targeted judges who are active in public discussions criticizing the changes in the courts<sup>2</sup>. Furthermore, the Disciplinary Chamber of the Supreme Court, responsible for hearing the majority of disciplinary proceedings against judges, continues to operate despite binding decisions of the Court of Justice of the European Union (CJEU) requiring it to cease its work.
4. **Recommendations:**
  - Immediately remove the three unlawfully elected persons from the Constitutional Tribunal.

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<sup>1</sup> <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22grzeda%22%5D,%22itemid%22:%5B%22001-216400%22%5D%7D>

<sup>2</sup> Helsinki Foundation for Human Rights, *The Time of Trial. How do changes in justice system affect Polish judges?*

- Restore a lawfully constituted NCJ via introduction of a rule that the 15 judge-members of the NCJ must be elected by the judiciary.
- Terminate politically motivated disciplinary proceedings against judges.
- Fully implement the CJEU's judgements, including by ending the operation of the Disciplinary Chamber.

## II. Fundamental freedoms and participation in public and political life

### A. Cooperation with civil society

1. **Shrinking civic space.** On 1 July 2021 the draft law on financial reporting for NGOs was published and opened to public consultation<sup>3</sup>. It creates obligations for all NGOs (not only for those receiving funding from abroad), in particular in regard to accountancy. If adopted, it would impose a risk to civil society and limit activities of NGOs in the following ways:

- failure by an NGO to submit its financial reports in due time would result in disproportionate sanctions, namely, the removal of the NGO from the register which amounts the dissolution of the NGO;
- the entity created to oversee NGOs consists of active politicians appointed by the ruling party, which raises doubts in terms of its independence. Furthermore, the draft law entitles this entity to request that an NGO submit and discloses any kind of internal documents, even if they contain confidential or sensitive information;
- the only possibility to submit a financial report is via an online form, which might be discriminatory towards small NGOs from rural areas;
- the obligation imposed on NGOs to disclose the personal data of all donors (including private persons), which will be subsequently published online, does not comply with the General Data Protection Regulation.

#### 2. Recommendations:

- Enhance the freedom of association by withdrawing the draft law on financial reporting for NGOs.
- Take steps to create and maintain in law and in practice a safe and enabling environment for civil society and human rights defenders, including by acknowledging publicly their important and legitimate role in the promotion of human rights, democracy and the rule of law, by applying the good practices set out in Human Rights Council Resolution 32/31.

### B. Lack of sufficient access to information, public participation and access to justice in environmental cases

1. **Non-compliance with the Aarhus Convention.** The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (commonly known as the "Aarhus Convention") is a legally binding international treaty in Poland. The Aarhus Convention grants the public rights regarding access to information, public participation and access to justice in environmental matters. However, in Poland some of the provisions of the Aarhus Convention are not respected by the Government. Poland's failure to be in full compliance with the Aarhus Convention

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<sup>3</sup> The legislative path of the draft law and all comments submitted within the public consultation process might be find at: <https://legislacja.gov.pl/projekt/12348551/katalog/12799601#12799601>

affects Poles' human rights to access to justice, participation and information. These rights are essential to the protection of a number of other rights, including, but not limited to, the rights to life, health, water, work, culture, development, information, participation, shelter and housing.

## **2. Non-compliance with provisions of the Aarhus Convention on access to justice.**

Three cases are pending before the Aarhus Convention Compliance Committee concerning non-compliance by Poland with provisions of the Convention on access to justice:

- **Regarding local laws (ACCC/C/2016/151<sup>4</sup>)** – concerned members of the public, including NGOs, do not have access to justice (namely to a review procedure) to challenge local laws, such as for example air quality plans. This is because Polish law is in breach of Article 9(3) of the Aarhus Convention by not allowing environmental organizations the right to challenge local laws (i.e. laws enacted by a local authority) which contravene Polish environmental laws unless the organizations' own rights have been impaired. The problem of limited access to justice in relation to air quality plans has been recognized by the European Commission, who initiated an infringement procedure against Poland in May 2020<sup>5</sup>.
- **In relation to forest management plans (ACCC/C/2017/154<sup>6</sup>)** – concerned members of the public, including NGOs, are deprived of rights that should be conferred on them in accordance with Article 9(3) of the Aarhus Convention as they are not able to challenge Forest Management Plans (FMPs), the most important administrative documents regulating the management of state-owned forests in Poland.
- **In relation to certain water permits (ACCC/C/2017/146<sup>7</sup>)** – concerned members of the public, including NGOs, do not have access to justice (namely to a review procedure) to challenge the substantive and procedural legality of water permit decisions, which constitutes a violation of Article 9(2) of the Aarhus Convention. Furthermore, there is no legal provision in the Water Law or other acts introducing any special proceedings allowing members of the public to challenge water permits decisions which contravene provisions of national environmental law. As a result, Poland has failed to implement Article 9(3) of the Aarhus Convention properly.

## **3. Inability to challenge a defective final mining license.** The possibility of challenging the legality of a defective final mining license is significantly restricted. This is because the commencement of the activity covered by the concession is deemed to produce irreversible legal consequences, and the revocation or modification of a mining license through the resumption of the permit proceedings may not take place later than one year from the date on which the activity covered by the concession commenced. Thus, there may be situations where mines operate on the basis of decisions issued in flagrant breach of the law. This is the case for the Turów lignite mine, for which the mining license was issued without a proper environmental assessment; because one year has passed since

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<sup>4</sup> See: [https://unece.org/env/pp/cc/accc.c.2016.151\\_poland](https://unece.org/env/pp/cc/accc.c.2016.151_poland)

<sup>5</sup> See: [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_20\\_859](https://ec.europa.eu/commission/presscorner/detail/en/inf_20_859)

<sup>6</sup> See: [https://unece.org/env/pp/cc/accc.c.2017.154\\_poland](https://unece.org/env/pp/cc/accc.c.2017.154_poland)

<sup>7</sup> See: [https://unece.org/env/pp/cc/accc.c.2017.146\\_poland](https://unece.org/env/pp/cc/accc.c.2017.146_poland)

the license was issued and because mining continues on the basis of it, it cannot be challenged.

**4. Lack of an effective instrument to review negative screening decisions.** Contrary to Article 9(2) of the Aarhus Convention, under Polish law environmental organizations have limited possibilities to review decisions determining that it is unnecessary to subject a project to an environmental impact assessment (so-called “negative screening decisions”). Environmental organizations need to apply to be admitted to proceedings that are already pending, and the use of the appeal procedure depends on the discretion of the authority conducting the proceedings, as opposed to whether the organization fulfils objective conditions specified in law. Furthermore, access to the review procedure depends on whether the organization participated in the earlier administrative procedure, since admission to the proceedings may be sought only during the administrative procedure and not after it has been completed.

**5. Lack of public participation when issuing emission permits.** Under Polish law, only the operator of the installation concerned is a party to the proceedings for issuing or amending emission permits, and the law explicitly excludes the possibility for civil society organizations to participate. Consequently, the legitimate interests of local communities and environmental organizations in the decision-making process are ignored. In most cases the investor remains the sole party to the proceedings and no one is able to challenge incorrect, harmful decisions. This prevents the adoption of more ambitious solutions and requirements that could significantly reduce an installation’s negative impact on the environment and on the wellbeing of local communities. The authorities issuing emission permits usually limit themselves to the statutory minimum content of the permit, fully accepting the investor’s requests. This violates the Aarhus Convention.

**6. Recommendations:**

- Ensure that members of the public have access to justice to challenge local laws, such as air quality plans, water permit decisions and forest management plans.
- Ensure that environmental organizations have access to justice to challenge defective final mining licenses.
- Ensure that environmental organizations have access to justice to challenge negative screening decisions.
- Ensure that concerned members of the public and environmental organizations can participate in proceedings on emission permits.

**C. Attacks on environmental activism through strategic lawsuits against public participation (SLAPPs)**

**1. SLAPPs as a tool to silence critics.** In Poland, which is experiencing democratic backsliding, SLAPPs are a tool for targeting the government’s political opponents, including the media, NGOs and activists. Moreover, the politicization of the prosecution system, including through the Minister of Justice acting as Prosecutor General, and the abolition of systemic safeguards for judicial independence, are creating a conducive environment for SLAPPs<sup>8</sup>.

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<sup>8</sup> See further: Media Freedom Rapid Response: Erosion of Media Freedom in Poland, 2020.

**2. Attacking environmental activism via SLAPPs.** There are several cases of environmental rights defenders and environmental civil society organizations facing SLAPPs. Attacking environmental activism via SLAPPs endangers both the dissemination of facts in the public interest and the plurality of opinions in a functioning democracy. The mere risk of facing SLAPPs can dissuade public discourse. SLAPPs have direct implications for environmental defenders' work and for their safety. For example, in the context of the Białowieża Forest protection campaign, some of the activists are being prosecuted. Individual victims are also suffering serious consequences from SLAPPs: Krystyna Lemanowicz, a member of an environmental NGO, was obliged to move out of her city as she was the subject of aggressive litigation by a well-known politician and businessman<sup>9</sup>. Environmental activists have also been subjected to verbal, psychological and physical abuse, especially during climate strikes. Because these threats do not lead to formal legal procedures, their frequency is impossible to record. However, there is an awareness among environmental NGOs of the impact threats have by provoking self-censorship.

**3. Recommendation:**

- Ensure a safe and favourable environment for environmental human rights defenders so they can work without fear of sanction, reprisal or intimidation.

### **III. Human rights and environment**

#### **A. Human rights and air pollution**

**1. Lack of a clean air strategy.** Poland has some of the worst air quality in Europe. In addition, five of the most health affecting coal power plants in Europe are located in Poland. According to the report "Europe's Dark Cloud"<sup>10</sup>, the Bełchatów Power Station is the world's second largest lignite-fired power station. The report warns that it has the worst impacts on human health of any power plant located in Europe, having contributed to almost 1,300 premature deaths in 2013 and to 27,830 asthma attacks in children. In addition to its direct adverse impacts on the rights of the children, coal extraction and burning also significantly affect the rights of children under the UN Convention on the Rights of the Child (UNCRC) through their emissions of greenhouse gases resulting and their contribution to global climate change. Despite the growing evidence of the harmful impact of air pollution on human health, specifically on children, the Polish government is still not taking all possible and adequate measures to improve air quality in Poland as quickly as possible, despite the fact that this is required by law. The government has also failed to prepare a coherent and effective national strategy to address the air pollution emergency in Poland.

**2. Insufficient protection in the 2040 Polish Energy Strategy.** The government's 2040 Polish Energy Strategy (2040 PEP), approved in February 2021, has air quality policies as one of its three pillars. Yet the strategy declares that coal – the main source of

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<sup>9</sup> See: [https://wyborcza.pl/7,75398,19944519,lemanowicz-kontra-stoklosa-rpo-dawida-nie-stac-na-proces-z.html?\\_ga=2.181871779.584452033.1648474733-1863720304.1639984325](https://wyborcza.pl/7,75398,19944519,lemanowicz-kontra-stoklosa-rpo-dawida-nie-stac-na-proces-z.html?_ga=2.181871779.584452033.1648474733-1863720304.1639984325)

<sup>10</sup> Europe's Dark Cloud, published in June 2016 by WWF European Policy Office, Sandbag, CAN Europe and HEAL in Brussels, Belgium [https://env-health.org/IMG/pdf/dark\\_cloud-full\\_report\\_final.pdf](https://env-health.org/IMG/pdf/dark_cloud-full_report_final.pdf)

particulate matter (PM10 and PM2.5) air pollution in Poland – can be used as a source of energy in individual heating systems in cities until 2030 and in rural areas until 2040. This means that there is a risk that for another 10 years Polish citizens, including children, will be exposed to harmful levels of air pollution. What is more, this national strategy gives a clear signal to local authorities, which are responsible for improving air quality at the regional level, that quickly improving air quality is not a priority for the government. In practice, this has an impact on local policies and, as a consequence, the time frame of the implementation of solid fuel restrictions at the regional level. In the most polluted region in Poland – Silesia – the time for introducing solid fuel restrictions has been extended for almost 10 additional years. In addition, air quality plans, the main regional instrument for improving air quality, are weak and lack effective measures to improve air quality as quickly as possible.

### **3. Recommendations:**

- Update the 2040 PEP and introduce a more ambitious timeline than 2030 to phase out coal from individual heating systems.
- Implement the concluding observations of the Committee on the Rights of the Child<sup>11</sup>.

## **B. Human rights and farming industry**

### **1. Degradation of ecosystems can affect the right to respect for private and family life.**

Poland is the EU's largest poultry meat producer. Many hatcheries are located (or planned) in the vicinity of protected areas (e.g. the village Kruszyniany, which borders a Natura 2000 site), or in natural areas that are fairly well-preserved (including the Kawęczyn village in the Great Poland Voivodship, a province in West-Central Poland). The farming industry not only contaminates water which is often used as drinking water, but also causes an unbearable and constant odour. This has a powerful, negative impact on the enjoyment of the right to respect for private and family life. Such situations also entail violations of the right to water, the right to property and the right to a healthy environment. As the inhabitants of those villages rely heavily on agriculture as their source of income, the right to work and the right to food can also be affected, particularly as the farming industry changes the designated use of land.

### **2. Recommendation:**

- Ensure that effective legislation protects human rights from the adverse effects of the farming industry.

## **C. Human rights and inappropriate forest management**

### **1. Polish State agents responsible for forest management carry out activities that put people's lives in danger.**

Polish legislation provides tools for the protection of forests that are particularly important for water retention and flood prevention. However, in practice these legal tools have been considerably watered-down and so are largely ineffective. For example, buffer zones surrounding water bodies are not being excluded from timber production in spite of suitable regulations being in place. Poland has not implemented an

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<sup>11</sup> Concluding observations on the combined fifth and sixth periodic reports of Poland issued on 6 December 2021 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/361/05/PDF/G2136105.pdf?OpenElement>



effective system for the supervision of forest management to monitor the impact on ecosystem services forests provide to the public. Community-based supervision has also been unsuccessful due to systemic barriers limiting access to information regarding forestry practices and the impact of those practices on the environment and on the safety of local communities. Commercial forestry is being allowed in many areas designated by the scientific community for the strictest form of nature conservation, i.e. nature reserves and national parks, despite the well-documented positive influence of these forms of conservation on water management and flood safety. The forests of the Polish Carpathians are a particularly instructive example: intensive logging there causes flash floods in mountain stream valleys and in lower parts of the catchment area, which significantly increases the flood risk in riverside towns. Even if the floods do not cause deaths, their increased frequency in the area adversely affects their right to respect for the inhabitants' homes, for their private life and their family life, as well as their right to property.

## 2. Recommendations:

- National and community supervision over forest management, particularly in those forests especially important for water retention, should be considerably strengthened.
- Commercial use of such forests should be excluded or significantly reduced, including through the establishment of new protected areas.
- The impact of forestry practices on natural catchments of mountain streams and rivers should be kept to a minimal level.

## D. Human rights and water management

1. **The lives of those living in the vicinity of water reservoirs are and will be endangered by floods, which are occurring more and more frequently due to climate change.** The flooding resulting from the negligence attributable to the State can also cause damage to homes and furniture, breaching the human right to respect for one's private and family life and the right to property. The current water and flood management systems in Poland favour water runoff over water retention. Considering the effects of climate change and the scarce fresh water resources (one of the lowest rates water availability per capita in Europe), it is crucial that Poland safeguards the lives of those within its jurisdiction against droughts and floods through a legislative and administrative framework designed to provide effective deterrence against these threats to the right to life.
2. **The 2021 Plan to Counteract the Effects of Drought<sup>12</sup> will aggravate the problem of floods.** The planned solutions mainly involve regulating rivers. This method is designed to counteract not only the occurrence of droughts, but also of floods, as its aim is to enable water to flow away faster and to prevent flooding. However, faster outflow in reality means that the flood wave travels faster and causes more damage.
3. **Updated Flood Risk Management Plans for the Odra and Vistula rivers focus on ineffective and dated technical investments.** The plans overlook, among other things, flooding caused by torrential rainfall, even though, according to the latest forecasts of the effects of climate change, losses caused by these floods will increase. Only 5% of planned solutions include non-technical measures, such as warning systems or legal solutions

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<sup>12</sup> Plan Przeciwdziałania Skutkom Suszy available at <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/przyjecie-planu-przeciwdzialania-skutkom-suszy-19143180>

dealing with spatial planning, rules and conditions for development, and the use of facilities in threatened areas.

#### 4. Recommendation:

- Revise Polish policy on water and flood management, prioritizing the long term safety of people and basing strategies on the latest scientific knowledge. This should include reducing depletion of water resources through unsustainable extraction, diversion and damming, focusing on ecological restoration of rivers and removing dams. More non-technical measures should be introduced, such as warning systems or legal solutions dealing with spatial planning, rules and conditions for development, and the use of facilities in threatened areas.

### E. Human rights and illegal logging and the illegal timber trade

1. **Human rights are violated by the illegal timber trade.** The illegal timber<sup>13</sup> trade can involve a number of different types of crime and illegality: from basic crimes of logging without relevant permits or within protected areas to corporate fraud, tax evasion and timber laundering, through bribes and human rights abuses. Illegal logging is linked to violations of people's rights across the EU as well as globally. Aside from losses to state revenues (which should instead be dedicated to social security and eradicating poverty<sup>14</sup>), illegal logging is often accompanied by land-grabbing, threats and violence against forest defenders and local communities, displacement of Indigenous Peoples and forest-based communities, and violations of their human rights. Such practices further corrode delicate political systems and the rule of law.
2. **Very few cases of illegal timber detected and penalized.** Poland's competent authority for fighting illegal timber trade (*Inspekcja Ochrony Środowiska*) performs rare and low-quality compliance checks on timber operators<sup>15</sup>. In Poland, there is a weak penalty scheme for punishing those who place illegal timber on the EU market and failure to apply that penalty scheme properly. Further, the competent authority's lack of financial capacity and personnel prevents it from effectively performing its obligations under the EU Timber Regulation (EUTR)<sup>16</sup> – a fundamental legal tool against illegal timber in the EU.
3. **An attractive place of business for companies involved in the illegal timber trade.** Based on the latest information, Poland continues to increase its timber imports from

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<sup>13</sup> "Legal" timber is defined as timber produced in compliance with the laws of the country where it is harvested

<sup>14</sup> European Commission (2010), Frequently asked questions on illegal logging, available at [https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_10\\_511](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_10_511)

<sup>15</sup> Based on the reports on EUTR enforcement submitted to the Commission by Poland: <http://www.gios.gov.pl/en/kontrola/obrot-drewnem>. For example, in 2020, Poland reported having checked only 64 timber importers, while the overall number of timber importers identified as fulfilling one or more risk criteria and thus considered at risk of having breached the EUTR was 8000.

<sup>16</sup> In 2020, an equivalent of 7,045 full-time employees worked on the EUTR implementation and enforcement, with EUR 5943.1 of annual budget. See the report on the EUTR enforcement in 2020 submitted to the Commission by Poland (2021), available at <https://www.gios.gov.pl/pl/kontrola/obrot-drewnem>, section II.II points 6 and 7.

Myanmar, contributing to financing the military coup and the human right violations it is causing<sup>17</sup>. This is happening despite EU-wide conclusions to halt timber imports from Myanmar as non-compliant with the EUTR<sup>18</sup>.

#### 4. Recommendations:

- Develop an action plan aimed at detecting and penalizing timber operators that continue to import timber from Myanmar.
- Strengthen and clarify the obligations of the Polish competent authority regarding EUTR enforcement.
- Amend the administrative penalty scheme by introducing higher minimum levels of penalties.
- Criminalize placing and trading illegal timber on the market.
- Ensure access to justice for third parties who submit substantiated concerns under the EUTR.
- Allocate more resources to EUTR enforcement by the competent authority.

#### IV. Human rights and climate change

1. **Poland's current efforts to tackle climate change are not sufficient.** Poland's energy system is still based on coal (70.8% in electricity generation, ARE 2021) and there are no realistic coal phase-out dates. Moreover, the government is actively hampering the development of renewable energy – Poland's renewable electricity target for 2030 is just 32%, just over half the EU average (59%). In recent years, the development of renewables significantly slowed down due to a law introduced in 2016 which effectively banned onshore wind development, excluding over 99% of Polish land from wind investments. This is not compatible with the EU's 2030 climate targets. Moreover, new regulations are being introduced to limit the development of renewable installations by microscale prosumers. Without taking appropriate steps to lower GHG emissions from the economy, especially from the energy system, the Polish government could be held responsible for violations of human rights as a result of climate change, including the right to respect for private and family life, the right to a healthy environment, and the right to an adequate standard of living and health.

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<sup>17</sup> Marigold Norman and Jade Saunders (2020), Following the teak: Companies are using convoluted routes to bring EUTR non-compliant timber into the European Union. A September 2020 Update, available at <https://www.forest-trends.org/blog/following-the-teak-convoluted-routes-to-bring-eutr-non-compliant-timber-into-eu-september-2020-update/>. See also Forest Trends (2022), Despite sanctions on Myanmar, the US, UK, and EU imported more than \$36 million in timber since the coup, exposing traders to risk of prosecution, available at <https://www.forest-trends.org/pressroom/despite-sanctions-on-myanmar-the-us-uk-and-eu-imported-more-than-36-million-in-timber-since-the-coup-exposing-traders-to-risk-of-prosecution/>.

<sup>18</sup> Conclusions of the Competent Authorities for the implementation of the EUTR on the application of Articles 4(2) and 6 of the EUTR to timber imports from Myanmar (2020), available at [https://ec.europa.eu/environment/forests/pdf/201209%20EUTR%20EG%20Country%20Conclusions%20Myanmar\\_final.pdf](https://ec.europa.eu/environment/forests/pdf/201209%20EUTR%20EG%20Country%20Conclusions%20Myanmar_final.pdf)

## **2. Recommendation:**

- Undertake effective measures to lower GHG emissions from Poland's economy, especially by planning a coal phase-out and just energy transition, as well as the development of renewable energy sources.

## ANNEX

### LIST OF ORGANIZATIONS FILING THE JOINT SUBMISSION:

#### **1. Fundacja ClientEarth Prawnicy dla Ziemi (submitting organization)**

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