

Editor's note

The aim of the *Polish Yearbook of Environmental Law 2011* is introducing English-speaking readers to chosen matters within the frames of the Polish environmental protection law. The issues included in the *Yearbook 2011* concern both general and particular areas of the environmental protection law.

The presentation of matters within the Polish law in the English language causes some problems. First, the difficulties might occur because the English legal language may be used to describe the Polish legal instruments only to some extent (i.e., if the elements of continental law and common law systems are similar). There is, however, an area in the framework of which the description of the Polish legal solutions in the English language is significantly more difficult. Secondly, the presentation of chosen issues within the Polish environmental protection law is associated with the discussion on the competences of Polish public administration bodies within environmental matters. Public administration apparatus in Poland is unique and it should be reflected appropriately in the English language.

Taking the above into consideration, it was necessary to work out a uniform approach to defined English legal expressions used in the *Yearbook*, as well as a consistent nomenclature of Polish administrative bodies (full name of the body and its abbreviation) and of Polish legal acts and publications, in which the acts appear.

The aim of this note is the introduction of the structure and accepted nomenclature of the Polish environmental protection bodies. The objective of environmental care and ensuring its protection by public authorities in Poland is carried out by several administrative bodies. Taking into

consideration the criterion of administrative decentralization, two groups of administrative bodies may be distinguished: central government and local government administrative bodies. Whereas, taking into consideration the criterion of venue, administrative bodies may be divided into central and local bodies. At the central level, the most important environmental protection bodies are: the Minister competent for environmental matters, the General Environmental Protection Inspector and the General Environmental Protection Director. At the level of local government administrative bodies, acting in the area of the country's territorial division unit, i.e. a voivodeship (also referred to as a province), there are: the voivode, the Voivodeship Environmental Protection Inspectors and the Regional Environmental Protection Directors.

As far as the self-government bodies are concerned, it is important to indicate that currently in Poland there is a three-tier division of self-government bodies: gmina self-government (the lowest level of local government administration), powiat self-government (second level of local government administration) and voivodeship self-government (the highest level of local government administration). The governments are independent of each other and of government administrative bodies. The local government entity consists of two bodies: a constituting body (gmina council, powiat council and voivodeship sejmik) and executing body (wojt – the head of gmina, town mayor, city mayor, powiat management board, voivodeship management board). The constituting bodies of all levels are chosen in elections by universal suffrage, conducted every four years. Whereas, in the case of executive bodies, only wojts, town mayors and city mayors are currently elected by gmina inhabitants. Powiat management boards and voivodeship management boards are appointed by powiat council and voivodeship sejmik. In the case of powiat self-government and voivodeship self-government, the chairmen of management boards – respectively starost and marshal of the voivodeship have a unique legal status as administrative bodies with their own competences, also regarding environmental protection.

With reference to the sources of the Polish law, it is important to indicate that the sources, in accordance with article 87 of the Constitution of the Republic of Poland of 1997, may be divided into two fundamental groups: the sources of law commonly applicable and the sources of so called interior law (i.e. the acts issued within administrative apparatus, binding the body issuing the act and the group of bodies responsible to

the body issuing the act, but the acts may not be the basis of giving rights or obligations to private entities – natural persons, legal persons and legally incapacitated persons). The acts of commonly applicable law include: the constitution, ratified international agreements, acts, directives, local law acts (issued by local government administrative bodies and by local self-government bodies). The acts are published in the Polish Journal of Laws (*Dziennik Ustaw*), kept by the Prime Minister, except local law acts, which are published in voivodeship journal of laws, conducted by voivodes.

For the purpose of the Yearbook 2011, the following legal acts appearing in the articles were defined in a unified way:

- the Constitution of the Republic of Poland of 2 April 1997 (the Constitution),
- the Environmental Protection Act of 2001 (the EPA).

The introductory remarks presented here show the unified approach to the nomenclature in the English language for Polish administrative bodies, legal acts, etc., applied to all articles in the *Yearbook*. It should help the reader to understand presented issues concerning the Polish environmental protection law.