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Management of water resources in the light of the proposed reform of water law in Poland

Zarządzanie zasobami wodnymi w świetle proponowanej reformy prawa wodnego w Polsce

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Abstract

The article raises the subject of the reform of water law towards the analysis of the fundamental objectives of the proposed new Act – Water Law,

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i.e. to organize the competence of bodies of water administration, to separate the management of water infrastructure from water management, to determine river basin water policy and to simplify funding. Considerations are made by comparing the current regulations to those that are going to be implemented in the Polish law. The authors indicate problems that exist in the current legal system with respect to water law, and try to identify their causes. They also try to answer the question whether new legal proposals will actually solve these problems.

Keywords: Water Law; management of water resources; government administration bodies; financing water management.

Streszczenie

Artykuł porusza tematykę reformy prawa wodnego pod kątem analizy zasadniczych celów projektowanej nowej ustawy – Prawo wodne tj. uporządkowania kompetencji organów administracji wodnej, rozdzielenia zarządzania infrastrukturą wodną od gospodarowania wodami, a także zlewniowej polityki wodnej oraz uproszczenia finansowania. Rozważania dokonywane są poprzez porównanie aktualnie obowiązujących przepisów do tych, których wdrożenie do prawa polskiego jest planowane. Autorzy wskazują na problemy, jakie mają miejsce w aktualnie obowiązującym porządku prawnym w odniesieniu do prawa wodnego i podejmują próbę wskazania ich przyczyn, a także starają się odpowiedzieć na pytanie, czy nowe propozycje prawne będą rzeczywiście owe problemy rozwiązywać.

Słowa kluczowe: Prawo wodne; zarządzanie zasobami wodnymi; organy administracji rządowej; finansowanie gospodarki wodnej.

The dynamic process of development of environmental law in Poland, largely due to the implementation of the provisions of European Union law, influenced the need to reform also water law. The Act on Water Law¹ (hereinafter referred to as AWL) in its original form entered into force 14 years ago. Since that time a lot has changed in the scope of water management, the reality of its performing, or social and economic conditions of performing

¹ Act of 21 July 2001, Journal of Laws of 2012, item 145, with amendments.

water management. This revealed incorrectness and inaccuracy in law, which resulted in numerous practical problems. An expression of the growing dissonance between practice and legislation is the fact of introduction more than 50 amendments to AWL. Each subsequent fragmentary change has led to a loss of coherence of legislation in the scope of water management in Poland. Such worrying facts have contributed to the decision to work on a project of a new Act on Water Law, which would be characterized as internally coherent and at the same time would clearly determine division of responsibilities between various environmental authorities². The main goals of the new act are to organize the competence of bodies of water administration, to separate the management of water infrastructure from water management, to determine river basin water policy and to simplify funding³. These issues will be considered herein.

First of all, currently valid legal regulations concerning water law are worth analyzing. In article 4 item 1 of the currently binding Act on Water Law the Legislator indicates the authorities competent in the scope of water management cases. Among them there are mentioned both the government administration bodies (minister in charge of water management, the President of the State Board of Water Management – as a central government body supervised by the minister in charge of water management; director of regional water management board – as a government non-complex authority, subject to the President of the State Board of Water Management, the voivode), as well as the bodies of local government (local government bodies).

Specific authorities of the minister in charge of water management are defined by the Regulation of the Prime Minister on 18 November 2011⁴ on the detailed scope of the Minister of the Environment responsibilities, in accordance with which the Minister of the Environment manages the government administration departments of water management and the environment. In accordance with the Act of 4 September 1997 on government administration departments⁵, the department of water management includes (article 11 item 1):

² Source: http://www.mos.gov.pl/arttykul/7_archiwum/23874_prawo_wodne_projekt_do_konsultacji.html [12.05.2015]. Project no. UD194.

³ Ibidem.

⁴ Journal of Laws No 248, item 1493 and No 284, item 1671.

⁵ Journal of Laws of 2015, item 812 with amendments, consolidated text.

- development of protection and rational use of water resources,
- maintenance of inland surface waters, owned by the State Treasury, including technical infrastructure related to these waters, including buildings and water equipment,
- construction, modernization and maintenance of inland waterways,
- flood protection, including construction, modernization and maintenance of water facilities to prevent flooding and coordination of projects aimed at flood protection of the state,
- functioning of the state hydrological – meteorological service and the state hydrological service, with the exception of matters concerning monitoring of groundwater quality.

The President of the State Board of Water Management, as the central government authority, has jurisdiction in matters of management, administration and use of water. He/she is appointed by the Prime Minister in an open and competitive recruitment, upon the motion of the minister in charge of water management. Requirements concerning formal issues related to the duties of the office are determined in the article 89 item 3a of the AWL.

According to article 90 of the AWL, the President of the State Board of Water Management performs the tasks specified in the Act, in particular:

- prepares a water and environmental program for the country, that is referred to in article 113 item 1 point 1,
- prepares draft plans for management on the river basin areas,
- prepares: a) preliminary flood risk assessment, flood hazard maps and flood risk maps, b) flood risk management plans for river basin areas, c) plans to counteract the effects of drought in river basins areas,
- agrees on the draft of terms of use water in water region,
- conducts water cadastre for the state area, including the division into river basin districts,
- supervises the activities of the directors of regional water management boards and, in particular, controls their actions, approves plans and reports on implementation of the plans,
- programs, plans and supervises the implementation of tasks associated with maintaining water or water facilities and investments in water management,
- agrees, in the part relating to water management, on projects of lists of priority programs of the National Fund for Environmental

Protection and Water Management, that are referred to in article 415 item 5 point 1 of the Act on Environmental Law⁶.

Of course, this catalogue is not closed.

The President of the State Board of Water Management performs their duties through the State Board of Water Management.

The following of the government administration bodies is the Director of the regional board of water management. He/she is appointed by the minister in charge of the economy. Their tasks include in particular: drawing up the identification of significant anthropogenic influence and assessment of their impact on the status of surface water and groundwater, in water region; elaborating conditions for the use of the waters of the water region; elaborating economic analyzes associated with the use of waters in the water region; preparing, conducting, verifying and ongoing updating of the lists of protected areas established under the provisions of the Act and other regulations; preparing the draft flood risk management plans for water regions; cooperation in preparing the preliminary flood risk assessment and flood risk management plans; elaborating plans to counteract the effects of drought in water regions; coordinating activities related to the protection against flood and drought in the water region, in particular conducting the centers of coordination and information on flood protection; agreeing, in terms of projects relating to water management in the region, on lists of priority projects submitted by voivodeship funds for environmental protection and water management, as referred to in article 414 item 2 point 3 of the Act on Environmental Law; expressing opinions on draft of voivodeship waste management plans referred to in the Act of 14 December 2012 on waste management⁷, in the scope of protection of water resources; giving opinions, in relation to direct threats of damage to waters and damage to waters, on the decisions referred to in article 13 item 3 and article 15 item 1 of the Act of 13 April 2007 on preventing from environmental damage and its repair⁸ (article 92 item 3 of the AWL).

It should be noticed here that the existing division of powers between government administration and local government administration in the scope of water infrastructure is unclear. This raises the problems with

⁶ Act of 27 April 2001 on Environmental Law, Journal of Laws of 2001, No 62, item 627 with amendments.

⁷ Journal of Laws of 2013, item 21.

⁸ Journal of Laws No 75, item 493 with amendments.

the division of tasks and responsibility for their implementation. Ministry of Environment has prepared regulations according to which water management will be performed in a more efficient and transparent way. The bill proposes, among others, a change in the legal and organizational structure of public administration bodies related to water management. This change is aimed at the separation of powers in the field of investment and maintenance of State Treasury's assets related to water management, from planning and administrative functions. It was assumed that the minister in charge of water management would be the chief organ of government administration in the field of water managing. President of the State Board of Water Management would act as a central governmental authority for water management issues⁹. As it is indicated in the explanatory statement of the bill, such regulations are aimed at increasing the powers of the minister in charge of water management and his/her control over the President of the State Board of Water Management, and thus, the real impact of the Council of Ministers on water management in the country. The minister will obtain formal authority to issue binding instructions and guidelines in the scope of water management directed to the President of the State Board of Water Management. The President would be also obliged to agree important decisions in the field of water management with the minister. An interesting solution would also be ensuring the impact of governors on the shape of the planning documents in the area of water management through the competent authorities' obligation to agree with the governors updating water management plans and updating flood hazard maps and flood risk maps¹⁰.

Separating powers in the field of investment and maintenance of water infrastructure from administrative functions and planning functions, in practice, proposed by the draft law, will be a significant reduction of the bodies and offices from 15 (8 inland waterway offices and 7 regional boards of water management) to 6 water management offices (government administration) and 2 state legal persons: The Board of Vistula River Basin and The Board of Oder River Basin. In each office there will be functioning water management division responsible for tasks in the inland waterway

⁹ Source: <https://www.premier.gov.pl/wydarzenia/decyzje-rzadu/zalozenia-do-projektu-ustawy-prawo-wodne.html> [10.05.2015].

¹⁰ Explanatory statement of the bill of Act on Water Law, source: <http://www.oigr.pl/pliki/legislacyjne/29-12-2014-2.pdf>, [10.05.2015].

sector. One of the numerous tasks carried out by the water offices will be issuing water permits, with the exception of permits issued by the starost. Furthermore, rivers will be clearly assigned to a specific host (manager). Large rivers with national significance, serving as waterways, border rivers, will be maintained adequately by the boards of the Oder (Odra) and Vistula (Wisła) river basins. Other smaller rivers with a regional or local importance, will be assigned to marshals of voivodeships, on behalf of whom voivodeships boards of drainage and water facilities will deal with their maintenance¹¹.

The amendment of Act on Water Law aims to ensure the achievement of the objective determined in the Water Framework Directive, which is the implementation of river basin water management policy. The assumption was the introduction of water management policy that would meet the criteria of “functionality and security and sustainable development, economic efficiency, durability of ecosystems and social acceptance”. The aim of the Legislator was forming the legal, organizational, financial and technical solutions in such a way, that on one hand would be able to ensure sustainable and balanced development of the country, and on the other hand would take into account the adaptations associated with climate change and exhaustible natural resources¹². It should be emphasized that the Water Framework Directive shapes the management of water resources. It imposes the following stipulations on entities applying the Directive: to withdraw from a kind of “self-centered” approach to water management and to take other priorities in water management, such as efforts intended to control natural phenomena associated with the operation of water in the form of technical solutions which give a temporary effect, however, in the long term, they can have negative environmental impacts¹³. The previous amendments did not realize *de facto* the objectives of the Water Framework Directive, but rather, they were destroying the proposed EU

¹¹ Source: http://www.mos.gov.pl/artukul/7_archiwum/23874_prawo_wodne_projekt_do_konsultacji.html [12.05.2015].

¹² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000, establishing a framework for Community action in the field of water Policy, Official Journal of the European Communities L 327/1.

¹³ J. Rotnicka, *Gospodarka wodna w świetle uwarunkowań Unii Europejskiej*, in: *Stan gospodarki wodnej w Polsce – problematyka prawna i kompetencyjna (na przykładzie Dolnej Wisły)*. Materiały z Konferencji zorganizowanej przez Parlamentarny Zespół ds. Dróg Wodnych i Turystyki Wodnej, 2.06.2011, Kancelaria Senatu RP, 2011, p.22-24.

model of water management. Moreover, the existing legislative actions have rather indicated the lack of consequence and inconsistency in the creation of regulations concerning water law¹⁴. The new act is intended to overcome this chaos.

In the area of planning in water management, the amendment to the Act on Water Law in particular clarifies and specifies the regulations with regard to the matter of water management plans within the river basins, as well as regulates the issues of implementation of water and environmental program of the country. The result of changes made by the Act on Water Law amendment is to be a full implementation of river basin water management policy, which is to contribute to the effective and efficient water management and which, at the same time, takes into account the preservation of resources for future generations. Another objective which manifests itself in the form of organizational changes in the administration is to fulfill criteria stipulated in the Water Framework Directive¹⁵.

Planning as well as implementation of measures in the scope of protection of water quality level, as a part of public administration bodies' activities, result directly from the article 99 of the Act on Environmental Law. It states that the bodies of administration plan and implement measures to protect water quality levels taking into account the hydrographic river basin water areas. Whereas, the concept of river basin water area is defined by the article 9 of the AWL, which indicates that it is an area of land from which all surface water runoff is discharged by the system of streams, creeks, rivers and canals to the determined point of a water course.

Planning in water management is one of the instruments for management of water resources. Water resources management is carried out by the division of the state into river basins areas and water regions. The proposed act indicates in the article 7 item 4 that the Council of Ministers, while establishing a way of recording the course of borders of river basin areas, the assignment of groundwater reservoirs and bankfull waters – to the appropriate river basin areas, as well as the way of recording the course of borders of water regions, will follow the hydrographic division of the country and the diversity of hydrological and hydrogeological

¹⁴ Ibidem.

¹⁵ Explanatory statement of the bill of Act on Water Law, source: <http://www.oigr.pl/pliki/legislacyjne/29-12-2014-2.pdf>, [12.05.2015].

conditions in the area of the basin, as well as the location of groundwater reservoirs and the way they are used.

In the bill of AWL the issues of planning in water management have been placed in section VII. At the beginning the Legislator, as in previous versions of the act, indicates that planning in water management is to serve programming and coordinating the activities of which main objectives are: achievement or maintenance of at least good condition of water and water-dependent ecosystems, improvement of water resources condition, improvement of the capacity of water use, reduction of the amount of entering the water or soil substances and energy that may adversely affect the water, improvement of flood protection. Amended act also indicates the achievement of environmental objectives that are determined in the article 56, 57, 59 and in the article 61 of the proposed act. Environmental objectives concern homogeneous parts of surface waters that have not been designated as artificial or heavily modified reservoirs. The Legislator indicates that the main objectives for these waters are their improvement and restoration in such a way as to achieve their good condition and prevent their deterioration. In the article 57 of the new AWL there are specified environmental objectives established for artificial and heavily modified parts of surface waters. The act is expected to implement protection of these waters, as well as to improve their ecological potential and chemical condition, and to prevent deterioration of the ecological and chemical condition. Article 59 of the bill of AWL stipulates objectives for homogeneous parts of groundwater that are to prevent or reduce pollution, prevent deterioration of the condition, protect, take remedial action and to ensure balance in the scope of consumption and supply of water in such a way as its good condition is achievable. The last environmental objective is determined in the article 61 of the bill of AWL. It applies to protected areas and indicates achievement standards and goals that arise from specific provisions under which the areas have been created.

On the grounds of the bill of AWL, planning documents elaborated in the scope of planning in water management are management plans for river basin areas, flood risk management plans for the river basin areas, plans to counteract the effects of drought in the basin areas, plans for the maintenance of water, water and environmental program of the country, conditions of water use in water regions and conditions of water use in river basin water areas.

Article 280 of the bill of AWL stipulates a catalogue of planning documents which are prepared in order to elaborate water management plans. In addition, the Legislator indicates that the lists of homogeneous parts of surface waters (including bathing water) prepared by the minister in charge of health matters should be taken into account while elaborating planning documents..According to the bill of AWL, planning documentation referred to in article 280 item 1 points 1-6 are prepared by President of the State Board of Water Management.

The amendment to the act introduces changes to the legal and organizational structure of public administration bodies. Therefore, the powers of directors of regional boards of water management functioning till now, have been entrusted to directors of water management offices in particular regions. According to article 280 item 2 of the bill of AWL, while preparing planning documentation, the following issues elaborated by the directors of regional boards of water management are to be taken into account: identification of significant anthropogenic influence and assessment of its impact on the condition of surface water and groundwater, lists of emissions and concentrations of substances described in this article, identification of influence of changes on groundwater levels, lists of surface waters and groundwater used for public supply intended for human consumption, lists of surface waters used for recreational purposes, lists of surface water intended for habitation of fish, crustaceans and molluscs and enabling the migration of fish, lists of waters vulnerable to be polluted by nitrogen compounds from agricultural sources, economic analysis associated with the use of water. Similarly to the currently binding Act on Water Law, the Legislator in the article 281 of the bill of AWL indicates the data that should be included in a water management plan for a river basin area. This catalogue was, however, extended with the obligation to indicate a list of investments that may result in failure to achieve good condition or deterioration of good condition or potential of waters. Failure to achieve good ecological condition and good ecological potential, and failure to prevent from ecological deterioration is permissible if it is the result of new modifications of physical properties of these waters, or failure to prevent from deterioration of the condition of these waters from the very good condition to good condition is the result of new human activities, in accordance with the principle of sustainable development and the necessary development of the society (article 66 of the new AWL). In addition, the bill indicates that the management plan for the river basin

area shall be reviewed and updated every six years. In addition to the data referred to in article 281 item 1 of the bill of AWL, the plans should include, among others, a summary of any changes or updates from the day of the announcement of the previous water management plan for a river basin area, assessment of the progress in achieving environmental objectives, with the presentation of monitored results for the period of the previous plan and explanation for any failure to achieve certain environmental objectives. According to the assumptions, the water management plan for a river basin area will be elaborated by the President of the State Board of Water Management. Furthermore, he/she will review the water management plan for the river basin area and prepare its updated version. The Council of Ministers, by way of a regulation, will adopt and update the water management plan for the river basin area, regarding the need to ensure the achievement of environmental objectives and the general character of this plan.

Flood risk management plans and plans to counteract the effects of drought in areas of river basin have been regulated by section IV of the bill, articles 170 and 184. It should be indicated that under the new Act, draft flood risk management plans for the water regions and for river basin areas will be prepared by the directors of water management offices and transmitted to the President of the State Board of Water Management. The drafts will be transmitted no later than 15 months before the date of preparation of flood risk management plans.

Article 182 of the bill indicates that protection against drought is the task of government and local authorities. Protection against drought is to be carried out in accordance with the plans to counteract the effects of drought in river basin areas and plans to counteract the effects of drought in the water regions. The President of the State Board of Water Management will prepare plans to counteract the effects drought in river basin areas in agreement with the minister in charge of water management and the minister in charge of agriculture. However, draft plans to counteract the effects of drought in the water regions will be prepared by the directors of water management offices and transmitted to the President of the State Board of Water Management no later than 15 months before the date of preparing plans to counteract the effects of drought in river basin areas, regarding the need to ensure effective protection against drought and general character of plans.

Planning documents in the field of water management plans for the river basin areas, flood risk management plans for the river basin areas and plans to counteract the effects of drought, according to article 295 of the bill of AWL, will be included in the concept of spatial development of the country, regional development strategy, regional spatial development plans, urban planning for municipalities and local spatial development plans.

Data catalogue which should be included in a water maintenance plan has been specified by the article 286 of the bill. In addition, the Legislator suggests that the draft of water maintenance plan will be elaborated regarding the needs in the field of flood protection, the need to achieve environmental objectives and water protection, the conditions for permitting failure to achieve good ecological condition and failure to prevent from ecological deterioration, as well as good ecological potential. Additionally, the draft of water maintenance plan will require carrying out a Strategic Environmental Assessment. The draft water maintenance plan will be agreed on by the President of the State Board of Water Management and the competent voivodships marshals. The director of water management office adopts the water maintenance plan by an act of local law.

The bill of AWL also specifies the assumptions of water and environmental program which are aimed at improving and maintaining good water condition in a river basin areas. The basic tasks in this field shall be aimed at meeting the requirements for measures to enable the implementation of the provisions in the scope of water protection, in particular, these are actions which are aimed at meeting existing and future water needs in terms of supply people with water for consumption, protection of habitats or species, control of accident hazards involving dangerous substances, appropriate use of sewage sludge, prevention of pollution of water with nitrogen compounds from agricultural sources. Wider range of activities that are aimed at improving and maintaining good water condition has been defined in the article 289 of the bill of AWL. Water and environmental program is elaborated by the President of the State Board of Water Management, in agreement with the minister in charge of water management and the minister in charge of the environment. The program will be reviewed every six years.

Planning documents in the field of water management include also conditions of water use in water region and the conditions of water use in river basin water areas. Catalogue of conditions of water use, which is referred to in the previous sentence, has been specified in articles 291

and 292 of the bill. The conditions of water use in water regions and the conditions of water use in river basin water areas will be determined by regulation of the director of water management office, in agreement with the President of the State Board of Water Management. During these activities, arrangements of a water management plan for the river basin areas will be also taken into account arrangements of a water management plan for the river basin areas.

What is more, the new AWL is to solve the problem of underfunding of water management. At the moment, in the scope of maintenance of water infrastructure only the most necessary work is done. This results in a situation where implementation of specific activities occurs only in a perspective of inevitable disaster, instead of conducting activities that would prevent from damage in water infrastructure, which in fact requires less financial investment. However, in a situation of permanent lack of funds, decisions on spending specified amount of money are somehow delayed until the last minute, when the main objective is to prevent serious negative legal and financial consequences. Activities in the scope of water infrastructure involving spending money also occur when it comes to serious negligence. It is, in fact, a vicious circle as such negligence results from lack of adequate financial resources¹⁶.

In order to change this situation, the new act introduces a system of financing water management, which is to be rational, coherent and effective. It is worth taking a close look at how water management funding system works today and what is the reason for its malfunction.

On the ground of currently binding Act on the Water Law, economic instruments serving for water management are regulated by section VI, part 5, articles 142-152 of the act. As it is stated in article 142 of the AWL, economic instruments serving for water management include:

- 1) fees for the use of inland waterways and water facilities owned by the State Treasury, located on the inland surface water;
- 2) fees for the use of the fishing circuit;
- 3) fees for granting a usufruct of the land covered by the waters important for the development of water resources and flood protection, in particular groundwater and inland surface waters: in mountain streams and their sources, the natural watercourses,

¹⁶ Source: http://www.mos.gov.pl/arttykul/7_archiwum/23874_prawo_wodne_projekt_do_konsultacji.html [13.05. 2015].

from the source to the mouth, with an average flow of multi-year equal to or greater than 2.0 m³/s cross-section of the estuary, lakes and artificial water reservoirs crossed by streams, referred to in point B, in border, inland waterways;

- 4) fees for preparing and giving access to data on water cadastre;
- 5) fees relating to the execution of contracts in inland fisheries.

Fees for the use of inland waterways and water facilities owned by the State Treasury located on the inland surface waters shall be paid for: shipping and transportation of people or goods by floating objects; towing or wood raft and the use of watergates (article 143 of the AWL). The above-mentioned charges are the income of the National Fund for Environmental Protection and Water Management (article 152 of the AWL).

On the ground of the new act, economic instruments serving for water management would also include a fee for use of the land covered by water owned by the State Treasury necessary for the conduct of projects related to: hydroelectricity, water transport, extraction of stone, gravel, sand and other materials, cutting plants from water, infrastructure of transport, industrial, municipal or agricultural infrastructure, activities used for recreation, tourism, water sports and amateur fishing; service activities, as well as telecommunication infrastructure (article 260 of the AWL). Moreover, water management financing would also be possible due to charges for the use of land built up water facilities, as well as the use of water facilities or their parts owned by the State Treasury, to which ownership rights would be performed by the governors or boards of river basin areas – state legal persons and marshals. Under the provisions of the new act, they would become the property of the State Treasury real estate resources to which the provisions of the act on real estate management will not apply, except for the provisions of granting the permanent administration (article 261 of the AWL). On the basis of the provisions of the new act, boards of river basin areas will be able to dispose of real estate not being the property referred to in the proposed articles 260 and 261, by their selling, establishing limited property rights, renting, leasing, or lending, and the proceeds thereof are their income. Proceeds from rent and lease will supply the financing of water management.

Dues, fees and proceeds referred to in the new article 267 will be the income of the boards of river basin areas, with the exception of the fee referred to in the article 301 item 5 (fees for preparing and giving access

to data on water cadastre), which will constitute income of the National Fund for Environmental Protection and Water Management.

Changes planned in the scope of financing of water management follow one main principle, namely that the money that is collected for particular use of water resources should continue to be spent by the authorities performing water management. This means introducing the principle that money out of the water remain in the water. Activity of Boards river basin areas and the voivodeships marshals will be financed with the fees for water consumption, which now constitute the income of the National and voivodeships funds for environmental protection and water management. On the basis of the provisions of the new act it will also be possible for units newly established under this act to acquire income from their own business (boards of river basin areas) ¹⁷.

The new system of financing water management is also supposed to contribute to effective and efficient disbursement of funds for activities related to adaptation to climate changes ¹⁸.

Bill of the new Act on Water Law reached the stage of the findings of the Committee for European Affairs ¹⁹. However, we should keep in mind the principle discontinuation of work of the legislature, and at the same time the recently held parliamentary elections. For this moment, it is difficult to assume whether the new idea of water law will continue in the new tenure of the parliament. Undoubtedly, the reform of water law is necessary because of the need to reorganize the organizational structure of water administration, as nowadays it is organized in such a way that it does not achieve its objectives, mainly due to the shifting of responsibilities for specific tasks. What is more, underfunding of water management results in lower quality and efficiency of its conduct, which undoubtedly impact the condition of environment. As indicated by the Ministry of Environment, thinking "in a sectoral way" (e.g. flood protection, shipping, energy and environmental protection) does not allow to fully and timely solve problems arising in the area of water management. Comprehensive and holistic look can provide constructive strategic documents which will take into account

¹⁷ Explanatory statement of the bill of Act on Water Law, source: <http://www.oigr.pl/pliki/legislacyjne/29-12-2014-2.pdf>, [13.05.2015].

¹⁸ Ibidem.

¹⁹ Source: <https://legislacja.rcl.gov.pl/projekt/269140> [13.05.2015].

the principles underlined by the new act and outlined in this paper²⁰. As the Ministry of the Environment has ensured, a new Act on Water Law shall provide the appropriate tools that will allow the implementation of such demands as functionality, security, sustainable development and economic efficiency.

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