

Summary of the doctoral dissertation
PUBLIC PARTICIPATION
IN ENVIRONMENTAL IMPACT ASSESSMENT
AND EFFICIENCY OF THE INVESTMENT PROCESS

The aim of the PhD thesis was to know and examine how the public's participation affects the effectiveness of the investment process in the environmental impact assessment. Public's participation in the environmental impact assessment occurs at the stage of issuing the decision on environmental conditions. It is the first pivotal stage of the investment process, thus it was referred to in PhD thesis. The research was conducted on the basis of the documentation's analysis from an administrative proceedings, regarding the environmental impact assessment for the issuance of decision on environmental conditions (DEC) for investment projects, where the procedure was conducted by the Regional Directorate for Environmental Protection in Białystok (RDEP) in the years 2008-2018. Infrastructure investments (such as railway lines, roads, airports, power lines, etc.) were studied from Podlaskie, Mazowieckie and Warmińsko - Mazurskie voivodships.

As time is one of the most important factors in the investment process, the effectiveness of the investment process was determined by developing time-related indicators, the timeliness and the effectiveness of the procedure for issuing DEC from the EIA (Environmental Impact Assessment) for individual EIA proceedings, where the statutory public's participation took place. An indicative and qualitative assessment of the examined data was carried out.

The conducted research gave an answer about the role of public's participation in the environmental impact assessment in the investment process. The relationships between public's participation in the environmental impact assessment and the effectiveness of the EIA issuance were examined. The externalities (costs and benefits) of public's participation in the EIA in the investment process were examined. The effects of public's participation in economic, social and environmental areas were determined. In addition, as a result of the carried out research and the analysis of the obtained results, the Model of Effective Public Participation in the EIA was created and there were presented 6 proposals for institutional changes, which can increase the efficiency of the investment process and internalise externalities related to public's participation.

In the years 2008-2018, RDEP in Białystok received 444 applications for a decision on environmental conditions for the investment. Only 12.16% of the submitted applications were subject to an environmental impact assessment with public's participation. Out of 54 proceedings with EIA, 52 decisions on environmental conditions were issued, of which 57.69% of these DEC were protested in the form of appeals against the decision. In the case of 26.66% of appeals against DEC, the public was not actively involved during the EIA

procedure. It was appealed only after the release of DEC. For all appeals against DEC (with EIA procedure), the applicants did not submit any counter-report. They did not add any substantive value to the EIA procedure that could serve the effective internalisation of environmental externalities. Only in two cases RDEP considered and justified social comments and conclusions and included them in the provisions of the DEC.

In the case of 53.70% of EIA proceedings there was public's participation, in the tested sample. It can be said that this participation was apparent, because the public did not get acquainted with the EIA documentation. Additionally, the comments and applications submitted by them were mostly considered by the RDEP as unfounded. The necessity of analysing and referring to the comments and conclusions of the society by the applicant, often resulted in the extended procedure for issuing the DEC. Such public's behavior resulted in a decrease in the effectiveness of the procedure for issuing DEC and a decrease in the effectiveness of the investment process. Out of 12.96% of the DEC issued in the EIA procedures by the RDEP in Bialystok, in the years 2008-2018, were released not exceeding the permissible deadlines in accordance to the Polish Act of 3 October 2008, on providing information on the environment and environmental protection, public participation in environmental protection, and on the environmental impact assessment (Act on EIA) and Code of Administrative Procedure.

The research identified external environmental costs generated by the investments, plus the costs and benefits caused by public's participation at the EIA's stage. The existing rules for public's participation in the EIA procedure do not work and do not internalise effectively the externalities. The public is not responsible for its actions, and most of the costs are borne by the investor/applicant. The current EIA procedure is based on high discretion and unequal treatment of participants in the proceedings.

Clarification of the EIA procedure with public's participation, a clear and unambiguous definition of the responsibilities and obligations of the participants in the EIA procedure will help to internalise externalities. The existing rules for public's participation in the EIA procedure have proved to be insufficient and ineffective.

The external effects of public protests prolong the EIA procedure and the entire investment process. They result in an inability to implement or delay the planned project, the lack of increase in employment with new investments, the lack of increase in entrepreneurship with higher possibility of running a business and the lack of the possibility of cooperation in various areas of economic and social life. For instance, in the case of roads it increases traffic noise and provides no passages for animals.

In the examined sample, in 28 EIA proceedings in the years 2008-2018, there was an active participation of the public (submitting comments and applications). In the case of 85.71% of these above-mentioned proceedings, this reduced the effectiveness of the procedure for issuing DEC and, as a consequence, reduced the effectiveness of the investment process.

As part of this dissertation, a Model of Effective Public Participation in environmental impact assessment has been created, which will increase the efficiency of the investment process. The author of PhD thesis proposed to introduce additional requirements

to the Act on EIA. It was proposed that only an environmental organisation, which has participated in a public consultation under the EIA procedure can be a participant on the rights of the party. In addition, it was proposed to be an obligation to read the documentation held by the Authority conducting the EIA proceedings and to be the obligation to submit a statement on familiarization with the documentation from the EIA procedure, under the sanction of criminal liability for making false statements. The developed model assumes a compulsory insurance policy (liability insurance) or a deposit, which would have to be filed by the appellant against DEC. In addition, the author presented the requirement for the public to submit expert opinions or counter-reports, so that their comments would not be a groundless allegations. The implementation of the proposed Model of Effective Public Participation can ensure actual, substantive and responsible public's participation in the EIA. Such a model can prevent unjustified protests and cancellations, which at the same time will increase the efficiency of the investment process. The use of the model does not limit the rights of society, but applies the principle of responsibility to anyone who wants to be a participant in the EIA.

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