



**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW**

OP.6401.44.2022.GZ

Cracow, February 15, 2022

DECISION

In accordance with Article 104 and 155 of the Act of June 14, 1960 Code of Administrative Procedure (consolidated text, OJ of 2021, item 735, as amended) and Article 56 (2) item 1 and 2 and (4) item 3 of the Act of April 16, 2004 on the conservation of nature (consolidated text, OJ of 2021, item 1098, as amended), in conjunction with § 6 (1) item 7 of the Regulation of the Minister of Environment of December 16, 2016 on the protection of animal species (OJ of 2016, item 2183; amended: OJ of 2020, item 26), after considering the application of February 9, 2022 (receipt date: February 9, 2022), submitted by the State Water Holding Polish Waters with the registered office in Warsaw, 59A. Żelazna Street, 00-848 Warsaw, represented by the Director of the Regional Water Management Authority in Cracow, acting through the Proxy Ms. Barbara Chammas (AECOM Polska Sp. z o.o. - under a power of attorney dated April 13, 2021, ref. no. KR.ROO.0120.34.2021.PP), on amending the decision of the Regional Director for Environmental Protection in Cracow - ref. no.: OP-I.6401.204.2020.GZ of July 2, 2020, amended by the decision ref. no. OP-I.6401.160.2021.GZ.2 of June 15, 2021

I AMEND

the decision of the Regional Director for Environmental Protection in Cracow, ref. no.: OP-I.6401.204.2020.GZ of July 2, 2020, which was amended by the decision ref. no. OP-I.6401.160.2021.GZ.2 of June 15, 2021 in such a way that:

a) the content of the decision:

II. The permit is valid from August 1, 2020 to March 1, 2022, under the following conditions: (...)

is replaced to read as follows:

II. The permit is valid from August 1, 2020 to April 30, 2023, under the following conditions: (...)

b) the content of the decision:

III. I oblige the applicant to submit to the Regional Director for Environmental Protection in Cracow a report on the use of this permit by April 1, 2022, which will include, in particular, a description and dates of the activities carried out together with photographic documentation.

is replaced to read as follows:

III. I oblige the applicant to submit to the Regional Director for Environmental Protection in Cracow a report on the use of this permit by May 31, 2023, which will include, in particular, a description and dates of the activities carried out together with photographic documentation.

I conclude that in the remaining part the decision ref. no. OP-I.6401.204.2020.GZ of July 2, 2020, amended with the decision ref. no. OP-I.6401.160.2021.GZ.2 of June 15, 2021, remains in force.

Justification

Ms. Barbara Chammas, a proxy (based on the power of attorney dated April 13, 2021, ref. no. KR.ROO.0120.34.2021.PP) of the Director of the Regional Water Management Authority in Cracow, who is the representative of the State Water Holding Polish Waters with the registered office in Warsaw, 59A. Żelazna Street, 00-848 Warsaw, with the application of February 9, 2022 (receipt date: February 9, 2022), has requested the Regional Director for Environmental Protection in Cracow to amend the decision of the Regional Director for Environmental Protection in Cracow, ref. no.: OP-I.6401.204.2020.GZ of July 2, 2020 authorizing derogations from the bans on protected species of animals in connection with implementation of flood protection investments in the Kujawy Port area in Cracow amended by the decision ref. no. OP-I.6401.160.2021.GZ.2 of June 15, 2021.

The scope of the requested modifications concerns the change of the end of the validity date of the decision and submission of the final report. On January 27, 2022, the Investor signed an agreement with the Contractor, as a result of which works were commenced in the Kujawy Port area in February 2022, and the works in accordance with the agreed schedule will be carried out until the end of April 2023. In connection with postponing the investment described in the original application, the Applicant has applied for the extension of the validity of RDOŚ' decision until April 30, 2023.

Article 155 of the Act of June 14, 1960 Code of Administrative Procedure provides that a final decision by virtue of which a party has acquired a right may be amended at any time with the consent of the party by the public administration body which issued it, or by the authority of higher level, if specific provisions do not preclude the repealing of or amendment of such a decision and it is supported by the legitimate interest of the party.

The changes contained in this decision do not relate to the manner in which the activities are carried out, their nature, conditions and the methodology adopted as determined in the original decision. They are related to the postponement of its validity date, however.

This decision considers in full the request of the Applicant, who is the only party to the proceeding. The decision was issued based on the legitimate interest of the party.

In view of the foregoing, it has been decided as in the conclusion of the Decision.

Instruction

An appeal may be filed against this decision to the General Director for Environmental Protection (52/54. Wawelska Street, 00-922 Warsaw), within 14 days of the date of delivery of the decision through the Regional Director for Environmental Protection in Cracow (25. Mogilska Street, 31-542 Cracow).

Pursuant to Article 127a § 1 and § 2 of the Act of June 14, 1960, Code of Administrative Procedure, a party may, within the time limit for lodging an appeal, waive the right to lodge an appeal against the decision of the public administration body which issued the decision. The decision becomes final and binding on the day of delivering a statement waiving the right to appeal by the last of the parties to the proceedings to the public administration body.

This decision, pursuant to Article 130 § 4 of the Code of Administrative Procedure, shall be enforceable before the expiry of the time limit for appeal if it complies with the request of all parties or if all parties have waived their right to appeal.

The Regional Director for Environmental Protection in Cracow may inspect the Applicant's compliance with the conditions set out herein, as well as withdraw the permit if the conditions are not met (Article 56 (7a) and (7j) of the act on the conservation of nature).

**Under the authorization of Regional Director
for Environmental Protection in Cracow**

Małgorzata Mordarska-Duda, M.Sc.

**Deputy Regional Director
Regional Conservator of Nature**

/electronic signature/

A stamp duty was collected pursuant to Article 7 of the Act of November 16, 2006 on stamp duty (consolidated text, OJ of 2020, item 1546, as amended)

Recipients:

1. Representative of SWH Polish Waters
2. OP - to files.

INFORMATION ON THE PROCESSING OF PERSONAL DATA

We kindly inform you that:

1. The controller of your personal data is the Regional Director for Environmental Protection with the seat in Cracow, 25. Mogilska Street, 31-542 Cracow tel.: 12 61 98 120;
2. contact details of the Data Protection Officer: iod.krakow@rdos.gov.pl;
3. Your personal data will be processed in order to carry out tasks related to species protection on the basis of Article 6 (1) (c), (e) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons in relation to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) in connection with the Act of April 16, 2004 on the conservation of nature;
4. Personal data is made available to the following categories of recipients:
 - entities entitled to receive them under the provisions of law,
 - entities servicing and maintaining our IT systems;
5. Personal data will be stored for the period resulting from the Uniform Tangible List of the Files of the General Directorate for Environmental Protection and Regional Directorates for Environmental Protection, i.e. perpetually.
6. The data subject shall have the right to request from the controller access to the personal data, their rectification or restriction of processing, as well as the right to lodge a complaint to the supervisory authority, i.e. the President of the Office for Personal Data Protection, 2. Stawki Street, 00-193 Warsaw;
7. Provision of data is a statutory requirement resulting from the Act of 16 April 2004 on the conservation of nature; The consequences of failing to provide personal data are laid down in the Act on the conservation of nature.
8. The Administrator does not process personal data by automated means, including personal data is not subject to profiling.