
MFW Bałtyk II & MFW Bałtyk III Wind Farms, Poland

LIVELIHOOD RESTORATION FRAMEWORK (LRF) FOR PROJECTS OFF-SHORE COMPONENTS

CLIENT

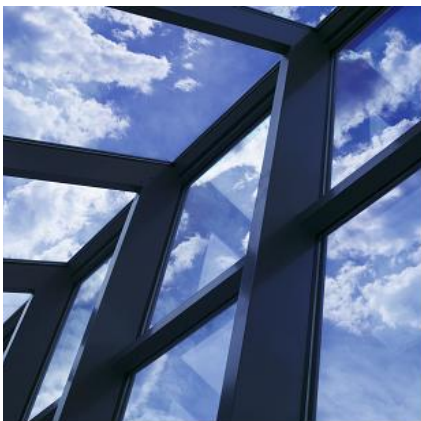
Equinor & Polenergia S.A.

SUBJECT

Livelihood Restoration Framework

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LRF OFFSHORE COMPONENTS

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 LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

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ACRONYMS

AIS	Automatic Identification System (vessel tracking)
EBRD	European Bank for Reconstruction and Development
EIB	European Investment Bank
ECI	External Connection Infrastructure
EUR	Euro
IFC	International Finance Corporation
IMO	International Maritime Organisation
LRF	Livelihood Restoration Framework
LRP	Livelihood Restoration Plan
PAP	Projects Affected Person
PLN	Polish Zloty
PR	Performance Requirement
PS	Performance Standard
TSS	Traffic Separation Scheme

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

Executive Summary

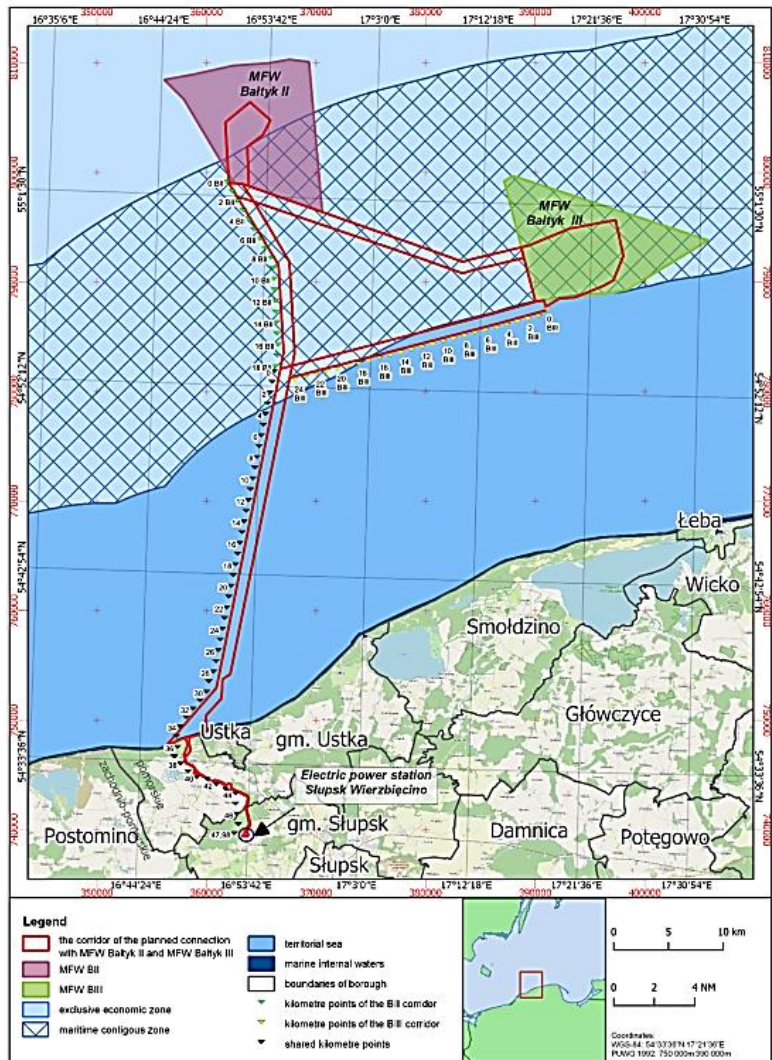
The Projects

Equinor and Polenergia are developing the MFW Bałtyk II and MFW Bałtyk III wind farm projects off the Baltic shore of Pomerania in the Economic Poland. The Projects, in summary, will have the following characteristics:

- Installed capacity: 720 MW each (50 wind turbines each);
- Distance from shore:
 - MFW Bałtyk II: 37 km,
 - MFW Bałtyk III: 22 km;
- One common landfall site for the two wind farms located approximately 3 km to the West of the port of Ustka;
- On-shore connection cable infrastructure in one common corridor and in two sections:
 - First for the two farms to two sub-stations close to the settlement of Peplino (8km long), each sub-station requiring a surface area of 8 hectares
 - Further to an existing sub-station (6km long) located close to the settlement of Wierzbęcino (near the town of Słupsk), where the Projects infrastructure will connect to the Polish National Grid.

The map opposite shows an overview of the Projects.

An Operations and Maintenance base will also be built at Łeba to cater for the needs of operations. This will not be part of Projects finance and is therefore considered an Associated Facility in the sense of IFC’s PS1.



Legal and Institutional Framework Pertinent to Off-Shore Impacts

There are no specific provisions in Polish legislation relevant to compensation of fisheries in case these would be affected by offshore wind farms. However, in line with European good practice, the Government of Poland and relevant sector stakeholders have put in place a consultative mechanism, called the “Sector Deal”, to arrive at mutually agreed rules and guidelines to minimise such impacts through agreeable safety rules for vessels crossing wind farm areas and compensation eligibility and calculation rules. This process is still on-going and the Projects will abide with rules and guidelines arrived at through the Sector Deal when these are finalised.

Lenders requirements, contained for example in Performance Standard 5 of the International Finance Corporation, prescribe a mitigation hierarchy approach (avoid, minimise, mitigate, compensate impacts, in that order of priority). Where livelihoods are affected as a result of restrictions of access to natural resources such as fishing grounds, lenders requirements prescribe that livelihoods should be restored, if not improved, through measures contained in a Livelihood Restoration Plan consulted upon with affected parties and other relevant stakeholders.

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

The Situation of Fisheries in the Areas Potentially Affected by the Wind Farms

Vessels that fished in the affected area are registered in the Pomeranian ports of Ustka, Łeba and Darłowo. Consultation with the port authorities in these localities suggests that fishing activity is minimal and that most fishermen are applying or will shortly apply for scrapping of their vessels to benefit from EU support to such scrapping.

In 2018-2019, cod catches accounted for 36% of total commercial fish catches in the fishing squares that are potentially affected by the Projects. In the following period, this figure dropped to 3%, which is a direct result of the introduction of an EU-wide ban for this species in the whole Eastern Baltic from January 1, 2020. There is no perspective that the complete ban on cod fishing could be waived. Eastern Baltic cod stocks are being scientifically monitored but, in spite of the ban of fishing, there has been no sufficient improvement to provide a perspective for lifting the ban any time soon. Recent research suggests that overfishing is not the only factor of loss of cod stocks. It is most unlikely that fisheries along the Polish shore, particularly in the affected fishing squares, will be able to recover, and the tendency highlighted in our consultations by port authorities towards scrapping of most fishing vessels is likely to be irreversible.

Until 2024, shipowners and crews of fishing boats that had been fishing this species were receiving compensation for the inability to fish. However, EU policy is now evolving towards encouraging scrapping of fishing vessels and transition of fishers towards other activities.

The dramatic change in fishing activities in Pomeranian ports is confirmed by the detailed review of recent fishery data:

- The quantity of catches has decreased very significantly and the species caught have changed (with no cod caught any longer, while sprat and herring, of lesser commercial value, are now the predominant species fished);
- Fishing areas have also changed, with the more remote fishing areas (amongst the affected fishing squares) being nearly abandoned and fishing now concentrating in the most coastal areas to reduce fuel cost in view of limited fishing productivity and profitability,
- The number of active fishing vessels in each of the ports we visited has diminished dramatically, and port authorities have to admit that the majority of vessels will be scrapped in the coming couple of years.

Impacts to fisheries are now concentrated in the ECI area, in fishing squares L5, L6 and L7. Fishing is almost non-existent in the areas of the wind farms, however these can occasionally be crossed by vessels a route to fishing grounds in higher seas.

The catches in the 8 Projects-affected fishing squares in 2018-2019 amount to approximately 1% in weight and 0.5% in value of total catches in all Polish Maritime Areas (POM). This tendency is confirmed in 2021 data.

Path to the Livelihood Restoration Plan

The fisheries sector that would have been potentially affected by the Projects should the cod ban have been waived is currently in a transition phase. Impacts to fishing in the current situation are minimal because there is almost no fishing. Should fishing livelihoods be affected nonetheless in the future, the Projects shall endeavour to restore affected livelihoods in conformance with rules and guidelines edited as a result of the Sector Deal process.

If necessary a Livelihood Restoration Plan would then be prepared in compliance with the letter and spirit of applicable international standards. The path to this LRP is as follows:

- Census of active fishing vessels;
- Livelihood survey of affected owners, operators and crew members;
- Definition of compensation eligibility rules and entitlements and preparation of livelihood restoration measures in consultation with affected parties and other relevant stakeholders in the sector;
- Definition of monitoring measures;
- Definition of implementation arrangements, budget and schedule.

1 INTRODUCTION – SCOPE OF THIS DOCUMENT

1.1 Introduction

The MFW Bałtyk II and MFW Bałtyk III offshore wind farms (“the Projects”) are located off the coast of Pomerania in the Polish Exclusive Economic Zone (EEZ) of the Baltic Sea. The wind farms include an offshore component, with the wind turbines generating energy and the transmission cables to the landfall, and an onshore component, connecting the offshore power generation facility to the Polish grid.

Both potentially entail impacts to assets and livelihoods. The MFW Bałtyk II / MFW Bałtyk III projects may seek finance from multilateral development finance institutions such as the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB).

The Projects are therefore bound to comply with Polish legislation and with the requirements of these potential lenders. Therefore, the Projects commissioned Multiconsult Polska and Sotis Advisors to prepare environmental and social planning documentation that these lenders require on top of what was already prepared for Polish permitting. Amongst others, the documentation package includes plans and frameworks required to meet international lender requirements pertaining to land acquisition and resettlement.

Because the Projects entail no physical displacement, these requirements mandate the preparation of Livelihood Restoration Plans (LRP) or Frameworks (LRF).

This document is the Livelihood Restoration Framework for the off-shore components of the MFW Bałtyk II and MFW Bałtyk III offshore wind farm projects. It is meant to address the requirements of EBRD’s Performance Requirement 5 and EIB’s Environmental and Social Standard 6, Equator Principles and IFC Performance Standard 5.

The Projects are developed by a 50/50 consortium of Equinor (Norway, formerly Statoil) and Polenergia (Poland). Both companies specialise in development of renewable energy. While MFW Bałtyk II and MFW Bałtyk III are two distinct legal entities, one LRF is prepared for both Projects as much of the infrastructure is common and impacts can (and should) be addressed jointly.

At the same time that the LRF for the off-shore component is prepared, an LRP for the on-shore components of the Projects was also prepared, as part of another, parallel exercise conducted by the same team.

1.2 Methodology for Preparation of this LRF

This LRF was prepared by Sotis Advisors Team: Katarzyna Auffret-Twardowska, a Polish environmental and social expert, and Frederic Giovannetti, an international resettlement expert between April and June 2024. It entailed a detailed review of internal documentation gathered by the Projects team in regards of environmental and social impacts, baseline studies, environmental assessments, decisions by the Government of Poland, interviews with Projects representatives, as well as a site visit to the Projects area in April 2024 and consultation with local stakeholders in potentially affected communities as reported in the below table:

 LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

Table 1. Stakeholder Consultation for the Preparation of this LRF

Stakeholder	Date	Issues discussed
Head of the commune of Ustka	08.04.2024	<ul style="list-style-type: none"> - evaluation of the information campaign about the Projects, - matters related to fishermen in the commune: incl. e.g. fishermen's interest in changing their profession; changes from fishing to tourism activities before the Covid epidemic, aging society, - issues related to the cable route through the commune (investor's flexibility in agreeing to change its route), - energy security issues, - lack of "measurable" benefits for the commune in connection with the implementation of the Projects and need for educational activities
Mayor of Ustka municipality	09.04.2024	<ul style="list-style-type: none"> - positive opinion about Investor's contacts with local community, - emphasized great interest in work related to offshore wind farms, expressed not only by fishermen, but also by young people (30-40 years old, working today in similar professions, e.g. in Norway and wanting to return home), - offshore wind farms seen as a job opportunity for local communities.
Mayor of Łeba municipality	10.04.2024	<ul style="list-style-type: none"> - positive response to the plans of building a service base in Łeba, especially in the context of opportunities for new jobs, - load-bearing capacity of the road near the O&M base ("yacht road") - how will the investor solve this matter at the construction stage, - insufficient depth of the approach channel into the port - inability to go fishing for larger boats for several winter months, - issues of financing necessary works in ports from various financial resources, - fishermen issues - limited catches and poor productivity of fishing grounds, - large number of requests to scrap boats this year, - proposal to install stands for fishermen selling fish from their boats, - reconversion of fishermen to other activities, - lack of possibility to conduct recreational fishing, - internal conflicts between fishing organisations, - compensation for fishermen, - educational activities – there is a need for regular trainings and certification, because trainings offered on the market are too expensive for fishermen.
Port Authority in Ustka	09.04.2024	<p>Problems of fishermen and fishing:</p> <ul style="list-style-type: none"> - issues of conducting fishing activities (number of active boats and those that have been mooring in the port of Ustka for a long time), - issues of compensation for cessation (temporary or permanent) of fishing activities, - issue of applications for scrapping the boat in 2024,

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

Stakeholder	Date	Issues discussed
		<ul style="list-style-type: none"> - the problem of severely limited fish resources, - effects of the cod fishing ban, - fishing license issues, - issues of lack of recruitment of young fishermen for many years (aging professional group 50+), - issues of changing profession by fishermen, - issues of recreational activity of fishermen - in practice little activity
Port captain office in Rowy	09.04.2024	<ul style="list-style-type: none"> - issues of fishing vessels in the port - their actual activity (practically 2, sometimes 3 boats are fishing - out of 6 registered in the port), - issues of fishing vessels that will be scrapped, - issues of the possibility of sailing small boats from Rowy to the Projects location area, - openness to informing the local community about the Projects.
Chief Inspectorate of Sea Fisheries in Słupsk	11.04.2024	<ul style="list-style-type: none"> - problem with insufficient depth of the approach channel into the port - issues of inability to go fishing for larger boats for several winter months, - conditions for scrapping fishing vessels, - conditions for temporary cessation of fishing activities, - information about active fishing associations.

The Projects team has also benefitted from familiarity with the Projects area, due to their previous or concurrent involvement in other similar projects in the same general area.

2 SUMMARY PROJECTS DESCRIPTION

2.1 Overview

In 2018, Equinor and Polenergia started cooperation on the construction of two wind farms in the Baltic Sea, located about 27 and 40 km from the port of Łeba in the Voivode of Pomerania off the Polish Baltic shore, in both the Polish Exclusive Economic Zone (EEZ) and the Territorial Polish Sea. Two Polish companies were established, MFW Bałtyk II and MFW Bałtyk III, in which Equinor and Polenergia each hold 50% of shares. The generation capacity from both farms is expected to be 1440 MW, which will allow more than two million households to be supplied with electricity. The commencement of construction is subject to obtaining the necessary permits and is planned for 2026/2027.

The final investment decision for these Projects is subject to obtaining the necessary permits and is planned for 2024 with the commencement of construction in 2026 and first power delivered to the grid in 2027.

The land components of the Projects will be located in the administrative territories of the urban-rural communes of Ustka, Słupsk and the urban commune of Łeba in the Pomeranian Voivode.

Equinor and Polenergia are also considering the implementation of a similar project in the same area, MFW Bałtyk III, in a further development stage.

2.2 Projects Description

Detailed information about the location and elements of the Projects is presented in the figures and table below:

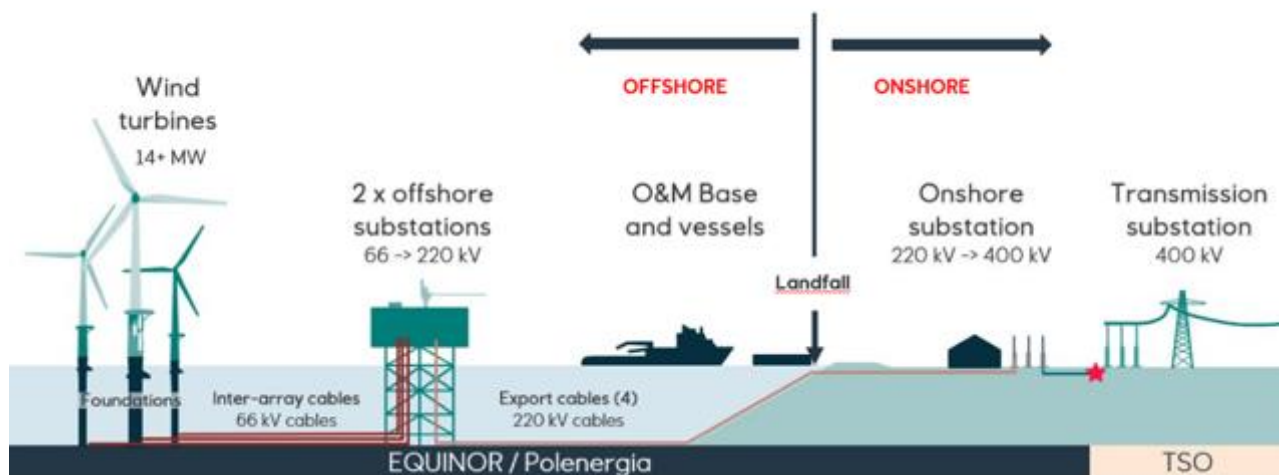
Figure 1. Location of the off-shore wind farms MFW Bałtyk II and MFW Bałtyk III, external connection infrastructure and O&M base in Łeba (Associated Facility)



Source: Bałtyk II/III, March 2024

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

Figure 2. Schematic diagram of the Projects



Source: Preliminary SEP, 2022

Key technical information about the Projects is presented in Table 1 below:

Table 2. Key Projects information

Parameter	MFW Bałtyk II	MFW Bałtyk III
Area off shore	122 km ²	117 km ²
Distance to shore	approx. 37 km	approx. 22 km
Depths	21-42 m	25-39 m
Average wind speed	9-10 m/s	9-10 m/s
Installed capacity	720 MW	720 MW
Turbine type	14.4 MW Wind Turbine Generators	14.4 MW Wind Turbine Generators
Turbine number	50	50
Foundations	Primarily monopile foundations	Primarily monopile foundations
Transmission system	<ul style="list-style-type: none"> High voltage alternative current transmission system One offshore substation in each area with co-located onshore substations 	
Landfall close to Ustka	<ul style="list-style-type: none"> One landfall common to both Projects Located approximately 3 km west of the port in Ustka; Landfall land plot (8500 m²) belonging to the State Treasury (former military unit and forest area) Landfall site area will not be cleared entirely 	
Grid connection close to Słupsk	Wierzbiecin	
O&M Base in Łeba	Operation and Maintenance base with control room, remotely controlling the offshore windfarms, will be located in the port of Łeba. The O&M base is not anticipated to be part of Projects finance, and therefore is considered an Associated Facility.	
Key Projects legal and financial parameters	<ul style="list-style-type: none"> Joint Venture (JV) ownership structure - Equinor (50%) and Polenergia (50%) BII & III are separate legal entities Projects financed required State aid Contract for Difference (CfD) scheme in place Expected commercial operation date: Q2 2028 Design lifetime: 30 years 	

Source: Bałtyk II/III, March 2024

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

2.3 Off-Shore Components

The off-shore part of the Projects consists of the two offshore wind farms MFW Bałtyk II and MFW Bałtyk III, and the external connection infrastructure (ECI). The location of the off-shore part is presented below (Figure 3), while detailed information about elements of this part of the investment is contained in the table below.

Table 3. Projects offshore components

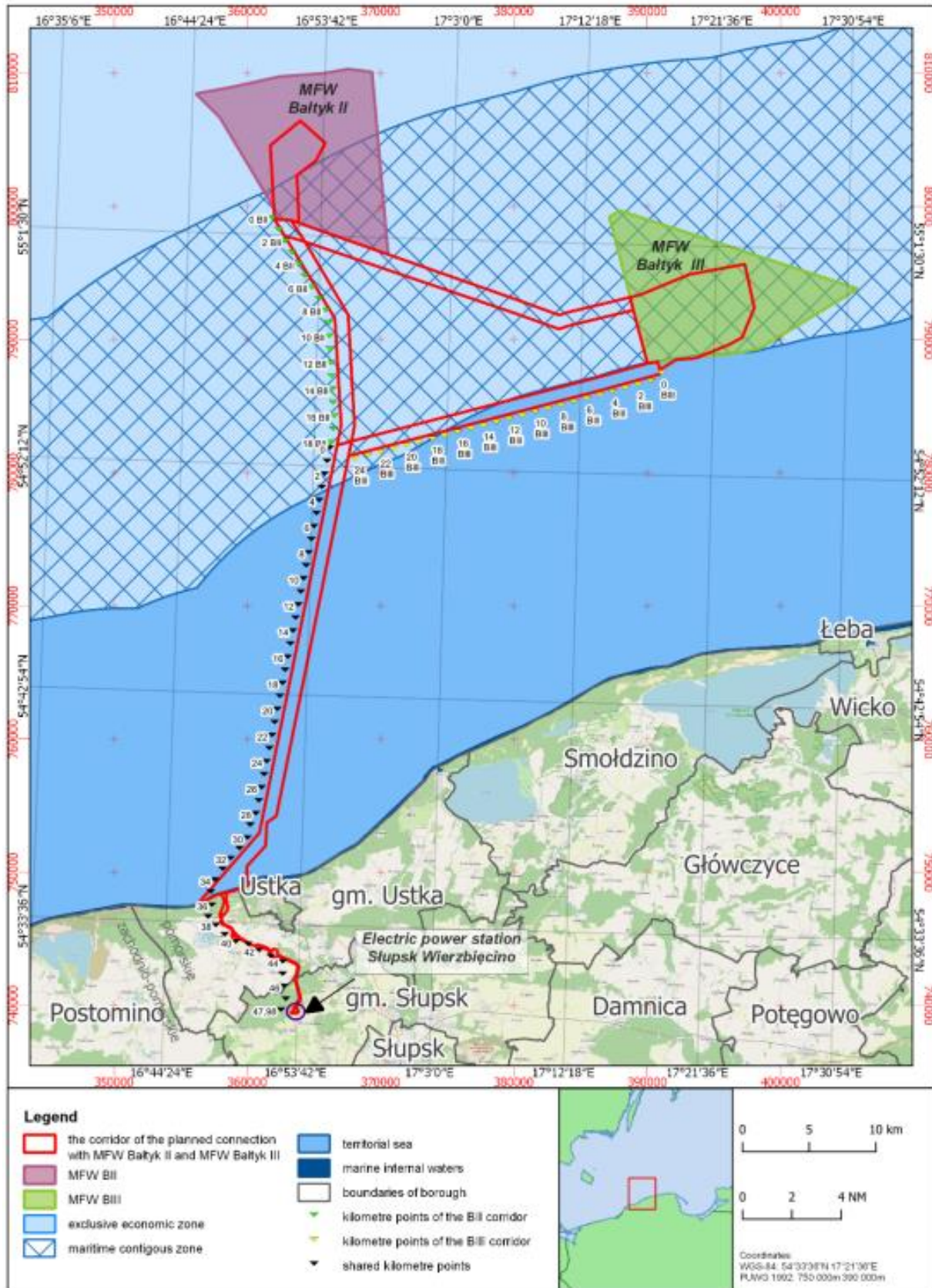
Offshore Component	Characteristics
Offshore Wind Farms	<ul style="list-style-type: none"> ▪ MFW Bałtyk II - will be located in the Polish EEZ approximately 37 km north of the coastline, at the level of Smołdzino (Pomeranian Voivodship): <ul style="list-style-type: none"> ○ 720 MW, 50 wind turbines ○ 1 internal offshore substation ○ up to 200 km of submarine power and telecommunication cables¹ ○ total area 122 km² ▪ MFW Bałtyk III - will be located in the Polish EEZ, approximately 22 km north of the coastline, at the level of Łeba commune (Pomeranian Voivodship): <ul style="list-style-type: none"> ○ 720 MW, 50 wind turbines ○ 1 internal offshore substation ○ up to 200 km of submarine power and telecommunication cables ○ total area 117 km²
Offshore part of the ECI (external connection infrastructure)	<ul style="list-style-type: none"> ▪ Two independent electricity export systems from offshore wind farms MFW Bałtyk II and MFW Bałtyk III with the necessary infrastructure for their implementation and operation and, optionally, a cable connection between the offshore farms: <ul style="list-style-type: none"> ○ 2 submarine export cables (offshore substation in the MFW Bałtyk II area to the shore, length of approx. 60 km each) ○ 2 submarine export cables offshore substation in the Bałtyk III area to the shore, length of approx. 67 km each) ○ optionally, cable connection between the MFW Bałtyk II and the MFW Bałtyk III, length of approx. 30 km – corridor in reserve for possible future laying of export cables and fiber optic cable.
Coastal zone and landfall	<ul style="list-style-type: none"> ▪ HDD trenchless crossing of the coastal zone with all cable lines between kilometre points 236,5 and 238,5 of Polish seashore (according to the kilometre points of the Maritime Office)

Source: Bałtyk II/III, March 2024

¹ This is the value of this parameter as permitted in the Environmental Decision. The final value may be less than this.

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

Figure 3. Location of wind farms MFW Bałtyk II and MFW Bałtyk III and connection infrastructure corridor



Source: EIA Report for ECI of the MFW Bałtyk II and MFW Bałtyk III, EKO-KONSULT Gdańsk, March 2023

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

2.4 On-Shore Components

The on-shore components of the Projects (as defined in Environmental Decision dated 29.11.2023²) are located in the territories of Ustka and Redzikowo rural municipalities. An environmental corridor of approx. 60 m in width and 14km in length has been defined and permitted. It is anticipated that locally a slightly wider corridor may be needed in the area of the landfall and some trenchless crossings under roads or other terrain obstacles.

The corridor runs through (Figure 4):

- Forests managed by the Regional Directorate of State Forests in Szczecinek within the boundaries of the Ustka, Modlinek and Pęplino Forest Districts;
- A restricted area identified by the Ministry of National Defense;
- Agricultural areas.

Detailed information about this part of the Projects is presented in the table below.

Table 4. On-Shore Components

Component	Characteristics
Landfall area	Crossing of all cable lines through the coastal zone using HDD trenchless method between 236.5 and 237 km of the seashore (according to the chainage of the Maritime Office)
Onshore part of the external connection infrastructure (ECI)	<ul style="list-style-type: none"> - 4 underground cable lines (2 lines for each offshore wind farm) from the landfall to the two planned onshore substations in the Pęplino area, with a length of approx. 8 km; - 2 onshore substations (ONS) in the Pęplino area with a total area of 10 ha (approx. 4,3 ha each); - 2 high voltage underground cable lines (one line for each substation) from ONSs in the Pęplino area to the designated connection point to the National Power System in the existing Słupsk Wierzbicino substation, with a length of approx. 6 km; - infrastructure necessary for the operation of the connections and offshore wind farms, i.e. fiber optic lines and the access road to the planned ONSs; - optionally, energy storage facilities may be built in the vicinity of the ONS in the next phase
O&M Base	<p>Operation and Maintenance base in Łeba is an associated facility to MFW Bałtyk II and MFW Bałtyk III Projects since it will be financed separately.</p> <p>Adaptation of plots no. 52/1 and 365/66 for the construction of a service base for offshore wind farms will require:</p> <ul style="list-style-type: none"> - demolition of 5 existing buildings, - reconstruction of the existing quay and the related demolition of the superstructure of the existing shipyard quay, - liquidation (filling) of the existing slipway, - raising the elevation of the existing area to approximately +2.0 ÷ 2.5 m, - demolition of the existing building and construction of a new building number 1 with a change of function from warehouse to service - construction of warehouse building number 2.

² Decision on environmental conditions by Regional Director for Environmental Protection in Gdansk for the project: "Grid connection infrastructure of the Bałtyk II OWF and Bałtyk III OWF offshore wind farms", November 29, 2023

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Figure 4. Location of the on-shore part of the Projects



Source: Equinor and Polenergia, 05.2024

2.5 Permitting Status and Associated Consultations

This section lists the permits for the construction of artificial islands, structures and devices in the Baltic Sea, environmental decisions and location decisions obtained for the MFW Bałtyk II and MFW Bałtyk III projects to date. This also includes the maritime spatial plan and associated consultations.

2.5.1 Projects Permits

Relevant decisions with regards to Projects permitting include:

- Decision No. MFW/2/12 of the Minister of Transport, Construction and Maritime Economy of March 30, 2012 - permission to erect and use artificial islands, structures and devices in the Polish maritime areas for the entitled: " Bałtyk Środkowy III Offshore Wind Farm", amended by the decision of the Minister of Maritime Economy and Inland Navigation of April 25, 2017 and by the Decision of the Minister of Infrastructure of February 16, 2024 (reference number DGM-3.530.52.2023);
- Decision No. MFW/2/13 of the Minister of Transport, Construction and Maritime Economy of January 15, 2013 - permission to erect and use artificial islands, structures and devices in the Polish maritime areas for the project entitled: " Bałtyk Środkowy II Offshore Wind Farm", amended by the Decision of the Minister of Transport, Construction and Maritime Economy No. MFW/2a/13 of April 29, 2023 and by the Decision of the Minister of Infrastructure of February 16, 2024 (reference number DGM-3.530.53.2023);
- Decision of February 12, 2024 on determining the location of the investment in the scope of a set of devices used to extract power from the MFW Bałtyk II Offshore Wind Farm - section of onshore connection infrastructure" – it concerns the construction of the ONS and fragments of electricity transmission lines with accompanying infrastructure, issued by the Pomeranian Voivode (WI-III.747.1.39.2023.AM);
- Decision of February 12, 2024 on determining the location of the investment in the scope of a set of devices used to extract power from the MFW Bałtyk III Offshore Wind Farm - section of onshore connection infrastructure" – it concerns the construction of the ONS and fragments of electricity transmission lines with accompanying infrastructure, issued by the Pomeranian Voivode (WI-III.747.1.36.2023.EB);
- Decision of March 7, 2024 on determining the location of the investment in the scope of a set of devices used to extract power from the MFW Bałtyk II Offshore Wind Farm - section of onshore connection infrastructure", issued by the Pomeranian Voivode (WI-III.747.1.7.2024.AM);
- Decision of March 7, 2024 on determining the location of the investment in the scope of a set of devices used to extract power from the MFW Bałtyk III Offshore Wind Farm - section of onshore connection infrastructure", issued by the Pomeranian Voivode (WI-III.747.1.4.2024.EB).

2.5.2 Decisions on Environmental Conditions

Relevant decisions with regards to Projects environmental permitting include:

- Decision of November 7, 2016 on environmental conditions for the project: "Construction of the Bałtyk Środkowy III offshore wind farm", issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-WOO.4211.12.2015.KP.22);
- Decision of March 27, 2017 on environmental conditions for the project: "Construction of the Polenergia Bałtyk II offshore wind farm", issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-WOO.4211.26.2015.KSZ.20);
- Decision of October 26, 2021 to change the decision on environmental conditions for the project: "Construction of the Bałtyk II offshore wind farm", issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-WOO.420.3.2021.KSZ.14);

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- Decision of November 8, 2022 to change the decision on environmental conditions for a project: “Construction of the Bałtyk Środkowy III offshore wind farms”, issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-W00.420.41.2022.AM.6);
- Decision of November 29, 2023 on environmental conditions for a project: “Grid connection infrastructure of the MFW Bałtyk II and MFW Bałtyk III offshore wind farms”, issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-W00.420.40.2022.AM.32).

2.5.3 Maritime Spatial Planning

The area of the Projects is covered by the Maritime Spatial Plan for internal marine waters, territorial sea and the Exclusive Economic Zone (EEZ) at a scale of 1:200 000, adopted by the Council of Ministers on April 14, 2021 (as published in the Journal of Laws of 2021, item 935). The plan was adopted further to an extensive consultation process carried out under the auspices of the Maritime Affairs Directorate in Gdynia, of which our team obtained the full record, and which contains more than 500 “comments and conclusions”³.

In regards of fisheries, comments and conclusions from the social side were made in particular by the following organisations:

- Związek Rybaków Polskich, Ustka,
- Środkowopomorska Grupa Rybacka, Ustka (Central Pomeranian Fishing Group, Ustka),
- Krajowa Izba Producentów Ryb, Ustka (National Chamber of Fish Producers, Ustka),
- Darłowska Grupa Producentów Ryb i Armatorów Łodzi Rybackich (Group of Fish Producers and Shipowners of Fishing Boats, Darłowo) – negation of the rightness of building wind farms, raised issue of their impact on the environment,
- Konfederacja Lewiatan (Lewiatan Confederation, Warsaw),
- Polskie Stowarzyszenie Energetyki Wiatrowej - PSEW (Polish Wind Energy Association, Szczecin),
- Polskie Towarzystwo Morskiej Energetyki Wiatrowej (Polish Offshore Wind Energy Society, Gdansk),
- Marshal of the West Pomeranian Voivodeship,
- Marshal of the Pomeranian Voivodeship.

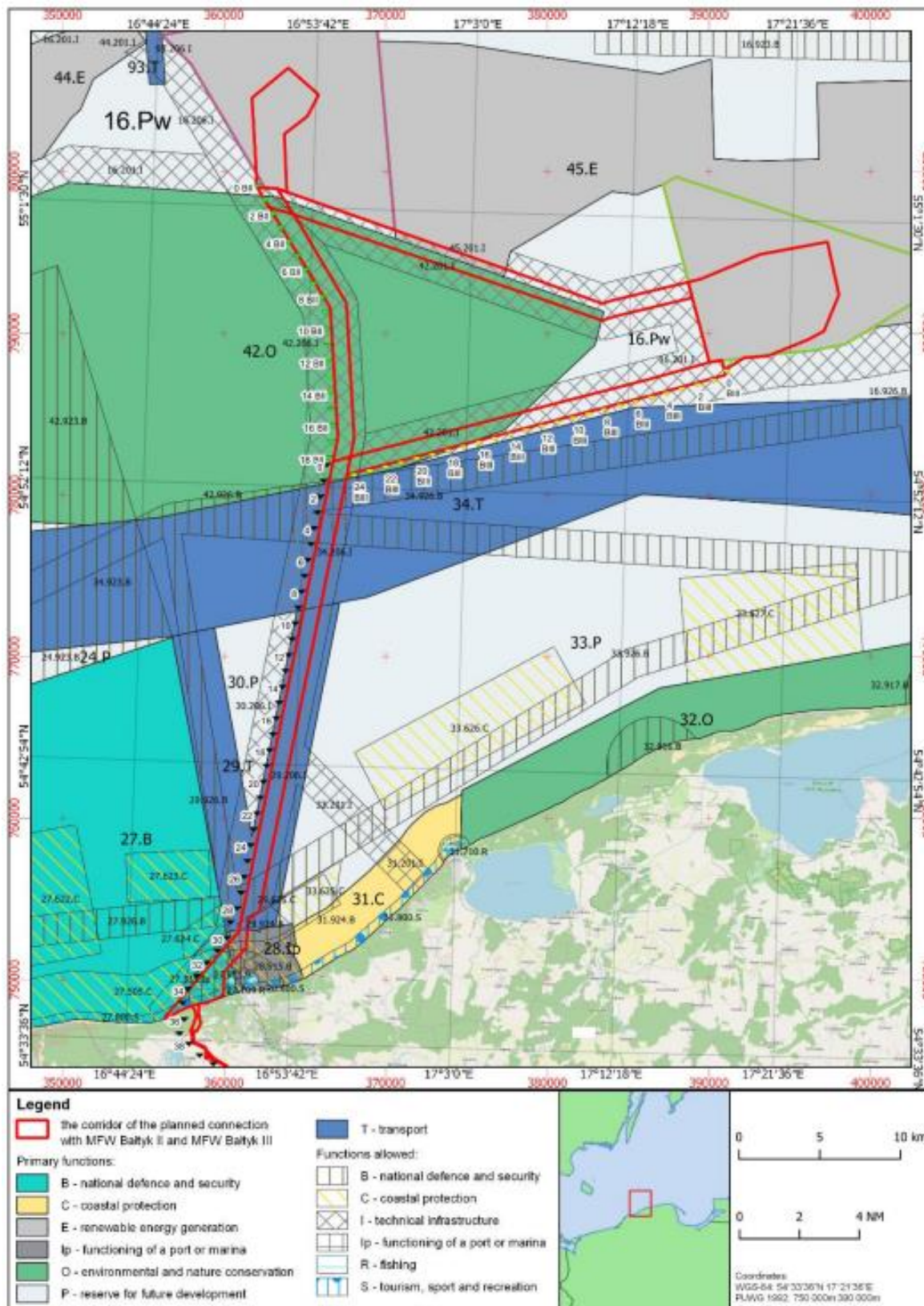
On the part of the government, interest in fisheries was expressed by:

- Minister of Agriculture and Rural Development,
- Minister of Climate and Environment, and
- Minister of Maritime Economy and Inland Navigation,
- Minister of National Defence.

³ Zestawienie wniosków do projektu planu zagospodarowania przestrzennego polskich obszarów morskich w skali 1:200 000 (400 stron) / summary of applications for the draft spatial development plan for Polish maritime areas on a scale of 1:200,000 (400 pages)

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Figure 5. Location of the Projects against the Zoning in the Maritime Spatial Plan



Source: EIA Report, 2023

2.6 Projects Rationale and Environmental Strategy

2.6.1 EU and National Strategy

The Projects are part of the overall EU 2030 climate target (Fit for 55⁴ – reduction of 55% of emissions of greenhouse gases by 2030⁵ against their 1990 level, and further carbon neutrality by 2050). Offshore wind farms are one tool amongst others to achieve these targets.

It also corresponds to the implementation of the REPowerEU (launched in May 2022)⁶. The REPowerEU is an EU tool to accelerate the green transition through producing clean energy and increasing wind generation capacity.

2.6.2 Multi-Stakeholder Engagement Framework: the Sector Deal

Offshore wind developers, the Government of Poland, and other stakeholders have agreed in 2021 to a multi-stakeholder “Sector Deal” for supporting the development of offshore wind sector, which addresses development and stakeholder engagement (“Polish Offshore Wind Sector Deal” signed on September 15, 2021).⁷

The agreement established a permanent platform for cooperation between government administration and local government authorities, current and future investors and operators of offshore wind farms in Poland, as well as representatives of the supply and service chain, scientific and research units and financial and insurance institutions.⁸

Cooperation between representatives of the fishing community and investors takes place within the working group on fisheries of the Sector Deal.

One of the most important and urgent actions is the development of a “Code of Good Practices” for coexistence with fisheries. According to the assumptions, the draft Code is to be presented and discussed with all relevant stakeholders to provide the fishing organizations with the opportunity to submit comments, comments and influence the final shape of the document and to express the optimal compromise between the parties involved.

Per available information at the time of preparing this LRF, work on the draft Code of Good Practice is not complete at this point in time and no document has been disclosed.

In parallel, work has been taking place within that same framework to draft a methodology for potential compensation to fisheries and fishermen. The compensation mechanism is being prepared by NMFRI on behalf of the Ministry of Agriculture and Rural Development. It was presented at a meeting with fishermen in November 2023, and a further version is currently being developed following comments on the presented mechanism by fishermen and OWFs developers.

⁴ eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0550

⁵ [2030 Climate Target Plan \(europa.eu\)](https://europa.eu)

⁶ [REPowerEU \(europa.eu\)](https://europa.eu)

⁷ [Tłumaczenie EN - final Polish Offshore Wind Sector Deal \(3\).pdf](https://www.gov.pl/web/klimat/podpisano-porozumienie-sektorowe-na-rzecz-rozwoju-morskiej-energetyki-wiatrowej-tlumaczenie-en-final-polish-offshore-wind-sector-deal-3).pdf)

⁸ <https://www.gov.pl/web/klimat/podpisano-porozumienie-sektorowe-na-rzecz-rozwoju-morskiej-energetyki-wiatrowej-w-polsce;> <https://www.gov.pl/web/morska-energetyka-wiatrowa/czym-jest-porozumienie-sektorowe;> <https://www.gov.pl/web/morska-energetyka-wiatrowa/strony-porozumienia-sektorowego;> <https://www.gov.pl/web/morska-energetyka-wiatrowa/grupy-robocze>

3 LEGAL AND INSTITUTIONAL FRAMEWORK

3.1 Overall Renewable Energy Policy in Poland

The Energy Policy of Poland until 2040 (PEP2040)⁹ sets the framework for the energy transition in Poland. It contains strategic decisions regarding the selection of technologies for building a low-emission energy system. PEP2040 is a contribution to the implementation of the Paris Agreement (2015), taking into account the need to carry out the transformation in a fair and solidary way. On March 29, 2022, the Council of Ministers adopted assumptions for the PEP2040 update - Strengthening security and energy independence. The offshore wind energy development strategy is a draft strategic specific objective (number 6). PEP2040 was subject to public consultation.

PEP2040 provides for three related pillars of this policy: (i) Fair transformation, (ii) Zero emission energy systems, (iii) Good air quality. Production from offshore wind farms will have the largest share in the production of electricity generated from renewable energy sources. The implementation of offshore wind energy has been defined as one of the PEP2040 "Strategic Projects". According to PEP2040, it is expected that the installed capacity of the offshore wind farms may reach 5.9 GW by 2030 and approx. 11 GW in 2040.

PEP2040 was subject to public consultation. Work has already begun on the PEP2040 update, and it is expected that updated forecasts regarding the use of energy will indicate the need to build more capacity in MWF. However, this work has just begun, so the PEP2040 update will likely be completed only in 2024 or 2025.

3.2 Key Relevant International, EU and Polish Legislation

Taking into account the specifics of the off-shore component of the Projects, the legal framework set by international conventions, EU directives and national laws on the marine environment, regulations of relevance to the Projects are presented below.

3.2.1 International and EU Legislation

This includes the following key conventions and acts:

- Convention on the Protection of the Marine Environment of the Baltic Sea of 22 March 1974, updated in 1992, ratified by Poland on 18 June 1980 and by EC/EU on 21 Feb 1994¹⁰. The convention sets up the HELCOM commission¹¹, establishes a framework for international cooperation, information to the public and exchange of information at international level, as well as responsibility for pollutions, including lists of substances harmful to the marine environment, etc. The Convention defines the principle of pollution prevention, the use of best ecological practices and the best available technology comes first. HELCOM prepared the Baltic Sea Action Plan updated in October 2021¹², addressing sea based activities such as wind farms (mostly in terms of noise emission during preparation and project operation or decommissioning) and fish management actions including guides for sustainable use of fish resources.

⁹ *Obwieszczenie Ministra Klimatu i Środowiska z dnia 2 marca 2021 r. w sprawie polityki energetycznej państwa do 2040r., Monitor Polski 2021 r. poz. 264*

¹⁰ eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31994D0157

¹¹ [HELCOM](https://www.helcom.fi/)

¹² [Baltic-Sea-Action-Plan-2021-update.pdf \(helcom.fi\)](https://www.helcom.fi/Baltic-Sea-Action-Plan-2021-update.pdf)

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- Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)¹³. The Directive refers to the United Nations Convention on the Law of the Sea (UNCLOS)¹⁴ approved by the Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the UNCLOS and the Agreement of 28 July 1994 relating to the implementation of Part XI and prepared a framework for marine strategies for each Member States. The marine strategy should be updated every 6-year and consulted with the public¹⁵. According to the Directive, Poland should publish and make available to the public for comment summaries of the following elements of their marine strategies, or it related updates: 1) the initial assessment and the determination of good environmental status; 2) the environmental targets; 3) the monitoring programmes; 4) the programmes of measures.
- Directive 2014/89/UE¹⁶ (Marine Spatial Planning Directive): this directive introduces the requirement for member countries to develop spatial development plans of maritime areas by 31 March 2021 at the latest. It also establishes the obligation to review of these plans at least once every ten-year. It requires an integrated approach of planning, with engagement and consultation of stakeholders, use of the best available data and information, take into account land and sea interactions, ensure cross-border cooperation between Member States and promoting cooperation with third countries.
- The Marine Strategy Framework Directive and Marine Spatial Planning Directive have been transposed into Polish law by the Water Law and the Maritime Act. The Water Law covers the public participation process held under the Marine Strategy Framework Directive and Marine Spatial Planning Directive.
- Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information¹⁷. The Directive objectives are: 1) to guarantee the right of access to environmental information held by or for public authorities and to set out the terms and conditions of, and practical arrangements for, the exercise of this right; and 2) to ensure that environmental information is made available and disseminated to the public in order to achieve the widest possible availability and dissemination of environmental information.
- The SEA¹⁸ and EIA¹⁹ Directives, transposed into Polish law by the EIA Act, and the Aarhus Convention cover access to environmental information, public information and consultation procedures during SEA and EIA processes.
- Lastly, the Habitat²⁰ and Birds²¹ Directives (respectively: 92/43/EEC and 2009/147/EC) were established for the protection of the natural environment of certain species of flora and fauna as well as fungi and their habitats (protected under Natura 2000) areas. They also concern the marine environment, in particular marine mammals and birds in the Baltic Sea. The impact assessment of draft strategic documents and planned investments on species and habitats is carried out in accordance with the procedure set out in the Habitats

¹³ [EUR-Lex - 32008L0056 - EN - EUR-Lex \(europa.eu\)](#)

¹⁴ [UNCLOS+ANNEXES+RES.+AGREEMENT](#)

¹⁵ *Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information.*

¹⁶ [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2014:257:FULL](#)

¹⁷ [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0004](#)

¹⁸ [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042](#)

¹⁹ [Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environmentText with EEA relevance \(europa.eu\)](#)

²⁰ [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043](#)

²¹ [Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds \(europa.eu\)](#)

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Directive, which, in Poland, has been transposed in national law by the Nature Conservation Act²² and is integrated in SEA and EIA procedures.

3.2.2 Polish Legislation

3.2.2.1 Maritime Safety Act

Act of 18 August 2011 on maritime safety²³ is the basic legal act regulating navigation safety in the field of ship construction, permanent installations and equipment, ship inspection, qualifications and composition of the ship's crew, safe maritime navigation and saving lives at sea.

Chapter 5a of the Act regulates the requirements for the safe operation of offshore wind farms. An offshore wind farm must meet requirements for safety, protection of the marine environment, protection of the state border at sea and state defence set out in the regulations. Offshore wind farms must be built and operated with the assurance of: 1) compliance with the obtained permit for the erection or use of artificial islands, structures and equipment or agreement or permit for laying cables or pipelines in Polish maritime areas, and decision on environmental conditions; 2) shipping safety; 3) safety of personnel involved in the construction, operation and decommissioning of an offshore wind farm; 4) functioning of communication systems, maritime security, protection of the state border at sea and state defence; 5) protection of the marine environment. These provisions require the investor in offshore wind farms to develop a number of expert opinions that are approved by the relevant authorities, including navigational expertise.

3.2.2.2 Water Law

The Water Law (Act of July 20, 2017²⁴) regulates water management in accordance with the principle of sustainable development, in particular the development and protection of water resources, the use of water and the management of water resources.

The Act applies to internal marine waters; to the waters of the territorial sea in the field of water management, protection against pollution from land sources and protection against floods, and to the exclusive economic zone the Republic of Poland in the cases specified in the Act.

In accordance with the Law, updates of the water management plan which includes surface and groundwater bodies and coastal waters (applicable primarily to the power line corridor) as well as updates of the Marine Water Protection Program²⁵ (applicable as well to the wind farm site) are prepared every 6 years²⁶.

3.2.2.3 Maritime Act

The Maritime Act (Act of 21 March 1991 on maritime areas of the Republic of Poland and maritime administration²⁷) determines the legal location of maritime areas the Republic of Poland, the coastal strip, sea ports and harbors and the rules for using these areas, as well as maritime administration bodies and their competences and the tasks of the State Maritime Hydrographic Service.

Erecting or using artificial islands or structures and devices in Polish maritime areas requires obtaining a permit establishing their location and specifying the conditions of their use in these areas (Article 23).

²² The Act of April 16, 2004 on Nature Protection, *Journal of Laws of 2023, item 1336, consolidated text, as amended.*

²³ *Journal of Laws of 2023, item 1666, consolidated text, as amended*

²⁴ *Journal of Laws of 2023, item 1478, consolidated text, as amended.*

²⁵ The last documents were prepared in 2016 [kpowm-2016.pdf \(kzgw.gov.pl\)](#) and adopted by the Council of Ministers on 11 December 2017 [Rozporządzenie Rady Ministrów z dnia 11 grudnia 2017 r. w sprawie przyjęcia Krajowego programu ochrony wód morskich \(sejm.gov.pl\)](#)

²⁶ *Projekt aktualizacji Programu Ochrony Wód Morskich [projekt-apowm-20210629-v1.00.pdf \(imgw.pl\)](#)*

²⁷ *Journal of Laws of 2023, item 960, consolidated text, as amended*

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Article 24 of the Maritime Act defines safety zones around artificial islands and groups of artificial islands (located at a distance of less than 1000 m from each other). Safety zones are also defined around cables and pipelines. The competent territorial director of the maritime office is responsible to establish by regulation safety zones adapted to the type and destination of artificial islands, other structures and equipments, cables or pipelines, which should be not more than 500 m from each point on the outer edge, unless another zone range is permitted by accepted international standards or recommended by the relevant international organization. The director of the maritime office is responsible for determining the conditions for movement in the safety zone, in particular may impose restrictions on shipping, fishing, water sports or diving or underwater work. It is understood that protection zone are designated around the entire wind farm and energy transmission line and substation.

The Act regulates the principles of planning and spatial development of marine areas of internal waters, the territorial sea and the exclusive economic zone - spatial development plans for maritime areas. Spatial development plans for internal marine waters, the territorial sea and the exclusive economic zone decide on: 1) basic function and permissible functions for each of the areas designated in the plans; 2) prohibitions or restrictions on the use of these areas, taking into account nature protection requirements; 3) distribution of public purpose investments; 4) directions of development of transport and technical infrastructure; 5) areas and conditions of environmental and cultural heritage protection; practicing fishing and aquaculture; obtaining renewable energy; exploration, identification of mineral deposits and extraction of minerals from deposits. Before the plan is adopted, public participation and extensive consultations take place. The plan is subject to periodic evaluation, at least once every 10 years.

3.2.2.4 EIA and SEA Act

The EIA Act (Act of October 3, 2008 on providing information about the environment and its protection, public participation in environmental protection and on environmental impact assessments²⁸) regulates SEA and EIA procedures integrated with procedures on impacts on Natura 2000 sites and Water Framework Directive goals. According to the Act all drafts of strategic documents including these related to offshore winds farms, sea-based activities etc. as well as planned investments listed in regulation have to have screening or full impact assessment procedures (appropriate assessment). During SEA and EIA procedures public participation process is guaranteed by law. Typically is 21 or 30 days for public participation process, sometimes is taken two or three times during EIA or SEA procedures. If impact on the other country is expected, transboundary procedures according to Espoo Convention²⁹ takes place.

3.2.2.5 Construction Act

The Construction Act (Act of 7 July 1994³⁰) regulates activities relating to the design, construction, maintenance and demolition of buildings and defines the principles of operation of public administration bodies in these areas. Pursuant to this Act, building permits are issued for offshore wind farms and for energy transmission line.

3.2.2.6 Transmission Act

The Transmission Act (Act of July 24, 2015 on the preparation and implementation of strategic investments in the field of transmission networks³¹) specifies the rules for the preparation and implementation of strategic investments in the field of transmission networks, distribution networks and accompanying investments, as well as the sources of their financing.

²⁸ *Journal of Laws of 2023, item 1094, consolidated text, as amended*

²⁹ *Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) [Text of the Convention](#) | [UNECE](#)*

³⁰ *Journal of Laws of 2023, item 682, consolidated text, as amended*

³¹ *Journal of Laws of 2023, item 1680, consolidated text, as amended*

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This Act qualifies transmission infrastructure from offshore wind farms as a strategic investment in transmission networks (since 2021). These investments are public purposes within the meaning of the Real Estate Management Act.

3.2.2.7 Offshore Act

The aim of the Offshore Act (Act of December 17, 2020 on promoting electric energy production in offshore wind farms³²) is to use the potential of wind energy in the Polish exclusive economic zone and to create legal solutions that will support all entities interested in the development of the offshore wind energy sector in Poland. The Act includes regulations important for the development of offshore wind farms, i.e. the support system, local supply chain, connection to the grid, and introduces a number of procedural improvements in the field of construction and operation as well as administrative proceedings in order to accelerate the implementation of the investment.”³³

The Act entered into force on February 18, 2021. This Act amended the Transmission Act by including in strategic investments (constituting public purpose investments) - investments in the scope of a set of devices used to extract power from offshore wind farms.

3.3 Specific Provisions Related to Compensation and Livelihood Restoration of Affected Fisheries

In Poland, regarding fisheries, there are no legal regulations governing the payment of damages or compensation in the event of loss of income source or increased labour costs in connection with off-shore investments. In the event of difficulties in fishing due to the implementation of an Offshore Wind Farm, Polish law does not specifically provide for compensation for lost income. The granting of compensation or support for social groups losing their source of income is part of international practices and is occasionally implemented by Polish investors, but is not prescribed by Polish law.

Partial compensation due to the introduction, at EU level, of restrictions on fishing was granted to fishermen under operational programs upon their application to such compensation (from European Maritime, Fisheries and Aquaculture Fund, EMFAF): The Operational Program "Fisheries and the Sea" for 2014-2020, and its continuation: The European Funds for Fisheries for 2021-2027³⁴.

As mentioned above, the compensation mechanism is being prepared by NMFRI on behalf of the Ministry of Agriculture and Rural Development. It was presented at the Sector Deal working group meeting with fishermen in November 2023. Comments submitted by fishers and OWFs developers on the presented mechanism are currently being implemented. The next version of the mechanism will be subject to further agreement with Sector Deal stakeholders.

³² *Journal of Laws of 2024, item 182*

³³ *Journal of Laws of 2024, item 182, [Ustawa o promowaniu wytwarzania energii elektrycznej w morskich farmach wiatrowych - Morska Energetyka Wiatrowa - Portal Gov.pl \(www.gov.pl\)](#)*

³⁴ *[O programie - Ministerstwo Funduszy i Polityki Regionalnej \(rybactwo.gov.pl\)](#)*

4 INTERNATIONAL BENCHMARKING – FISHERY COMPENSATION AND WIND FARMS

While many countries, including Poland, have no regulatory framework at this point providing for compensation of losses to fisheries caused by offshore wind farms, some countries in the EU and/or OECD have established detailed regulations and/or guidelines as to compensation for fishers due to restrictions and disturbances caused by offshore wind developments.

4.1 Requirements of International Finance Institutions

Potential lenders to the Projects apply a set of environmental and social requirements. While these differ in letter, they converge in spirit. There are three sets of environmental and social policies that will be applied by Lenders to the Projects:

The European Investment Bank (EIB) applies its 2022 Environmental and Social Standards. The standard relevant to displacement impacts and livelihood restoration is Standard 6 “Involuntary Resettlement”.

The European Bank for Reconstruction and Development Bank (EBRD) applies 10 “Performance Requirements” (PR) appended to its overarching Environmental and Social Policy (2019). The PRs relevant to displacement impacts and livelihood restoration are PR5 “Land Acquisition, Restrictions on Land Use and Involuntary Resettlement”, while PR10 addresses “Information Disclosure and Stakeholder Engagement”.

Other lenders apply the International Finance Corporation’s Performance Standards (PS), namely PS5 “Land Acquisition and Involuntary Resettlement”.

While focusing on the impacts of land acquisition, all these “resettlement” standards also clearly address restrictions to the use of natural resources, including maritime resources and fish stocks, hence are applicable to the impacts of restrictions to navigation or access to fishing grounds, which are considered as potential impacts to livelihoods, that is “economic displacement” and are covered as such by “resettlement” standards. Key requirements of these standards that are pertinent for the Projects offshore components are the following:

- Displacement (including “economic displacement”, that is impacts to livelihoods) should be avoided or minimised exploring technically and economically feasible Projects design alternatives;
- Affected livelihoods should be improved or re-established to their previous levels, based on the simple principle “not worse-off if not better-off”; “livelihood” as understood by international standards is a broad concept that includes income, access to services, quality of life, amongst others;
- All plans to mitigate or compensate impacts to livelihoods and re-establish them where residual impacts are unavoidable should be thoroughly consulted upon with affected groups, taking into consideration the specific needs of women and disadvantaged groups as applicable; this includes disclosure of mitigation plans and consultation in culturally sensitive events;
- Plans should be monitored and evaluated.

4.2 Denmark

Denmark has adopted a detailed regulatory framework, complemented by technical guidelines³⁵. The Fisheries Act provides for the following in respect of interactions between fishers and offshore wind development:

- The EIA of offshore wind developments should include a detailed assessment of impacts to fisheries, based on both official data from the Danish Fishery Agency and interviews with local fishers. An independent consultant must assess the level of compensation.
- The developer must contact the commercial fishermen operating in the area with a view to negotiating possible compensation for documented losses under the Fisheries Act. As a general rule, negotiations on compensation are carried out by the Danish Fishermen's Association. However, the Concessionaire should be aware that the Danish Fishermen's Association might not represent all commercial fishermen in the specific area. Any compensation will cover the offshore wind farm and cables.
- Guidelines also encourage mitigation measures to "smoothen the negotiation process", such as:
 - Limiting the exclusion areas by dividing the construction area into different phases;
 - Providing substitute revenues by including some fishing vessels or fishermen in the construction and operation of the offshore wind farm, e.g. as guard vessels;
 - Allowing fishing with static gear inside the wind farm.

A recent (June 2023) government-brokered "Marine Plan" is viewed by local stakeholders as strengthening further fishers claims for compensation and limiting permitting potential for further offshore wind developments to better accommodate fisheries' interests.

Annex 1 presents a summary document issued by the Danish Energy Agency, which outlines key measures expected from developers in their interaction with fisheries.

4.3 France

France established in 2021 an offshore wind tax (19,305 € per installed MW per year), which is applicable to all wind farms located in territorial and EEZ waters. The proceeds of this tax are to be allocated as follows:

- 50% to communes from which the wind farm may be visible;
- 35% to local fishermen committees;
- 10% to the French Biodiversity Office (a public entity in charge of biodiversity management and conservation);
- 5% to local maritime rescue organisations.

The proceeds of this tax directed to fishers committees are in principle meant to support the modernization of vessels and fishing techniques to adapt to a changing and more restrictive EU fishery regulatory framework. There are various implementation issues that are still in consultation stage and it is understood that no monies have yet been directed to fishers associations in application of this tax, although the first proceeds were perceived by the French Treasury in 2023 in regards of a farm located off Saint-Nazaire in the Atlantic Ocean. As a result, French fishermen are still engaging in multiple legal actions to seek cancellation of permits for wind farm projects, and tensions are routinely observed between fishers groups, offshore developers and state institutions that promote renewable energy.

³⁵ https://ens.dk/sites/ens.dk/files/Globalcooperation/offshore_wind_and_fisheries_in_dk.pdf

4.4 United Kingdom

The United Kingdom has opted for “non-restrictive guidance”, and as a result there is no specific regulatory framework apart from the general EIA legislation (the requirements of which were recently downgraded from the past EU framework as a result of Brexit), but offshore wind developers are encouraged to negotiate collective or individual compensation offers to fishermen. Similarly, there are implementation issues, as some developers have sought to negotiate individual compensation offers while fishers organisations favoured collective solutions, resulting in fishers organisations vehemently opposing some projects.

4.5 European Parliament Resolution

On 7 July, 2021, the European Parliament adopted a resolution on the impact on the fishing sector of offshore wind farms and other renewable energy systems. Amongst others, this resolution calls for the following:

(quote)

- *“17. Stresses that OWFs should, whenever possible, be placed in zones where fishing is not permitted, in order to minimise negative impacts on the fishing industry;*
- *18. States that OWFs can have an impact on fisheries by changing the spatial distribution and abundance of commercially fished marine species as well as through their closure for safety reasons or the imposition of a change in fishing activity or method, for example from active to passive;*
- *19. Insists on the establishment of dialogue and cooperation with fishers at an early stage in the process; emphasises the need to take into account local ecosystems and the specificities of the local community; highlights the need for proper compensation for fishers if the establishment of OWFs affects their activities; (...)*
- *23. Stresses that small-scale and coastal fishers will be particularly affected if displacement takes place, as they may not have the capacity to move to fishing grounds further afield or to change fishing method, particularly if OWFs are located in territorial waters (12 nautical miles from the coast); calls for appropriate compensation as a last resort;*
- *24. Stresses the need to facilitate access to insurance for fishing vessels operating in or sailing through areas with OWFs, as it is currently very problematic owing to the insufficient indemnity levels offered by fishing vessels' insurance policies;*
- *25. Points out that any restriction on access to traditional fishing grounds directly affects the livelihoods of fishers from the different coastal EU Member States and dependent jobs ashore; stresses, therefore, that appropriate compensation should be given as a last resort when necessary; furthermore, points out that restrictions on access could undermine the responsible and sustainable provision of food security.”*

4.6 Other Solutions Elsewhere

Generally, offshore wind developers are encouraged to negotiate one or several of the following actions in terms of compensation to fishers or mitigation of impacts thereupon:

- One-time or regular payments into a community fund, managed at commune or local fishers association level;
- Payments into funds managed by biodiversity or social NGOs;
- Support in the form of specific local and environmental investments, supporting education, fleet modernisation, fishing gear upgrades, or port investments;
- Benefit-sharing agreements (participation in profits or co-ownership in the venture);

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- Employing fishers in construction and operation, either as enterprises (guard vessels) or as individuals (retraining to work in offshore wind construction or operations).

It is also important to consider the possibility of developing methods to maintain fishing in the offshore wind farms areas ("Identifying ways to keep fishermen fishing")³⁶. Measures to minimise potential conflict between the fishing sector and offshore wind farms, identified in the study of the Gdynia Sea Fisheries Institute, include the following:

- "Actions taken at the design stage - e.g. selection of areas with low fishing capacity, designing turbine foundations and anti-erosion protection in such a way that they facilitate the creation of an artificial reef enhancing habitat potential;
- Actions aimed at supporting the existing types of fishing activities: development of fishing tools adapted to the new fishing conditions, financial support for measures to improve the efficiency/profitability of fishing conducted in the area of wind farms, e.g. products of fish origin, participation in the creation of a local processing base,
- Development of new types of fishing and non-fishing activities, e.g. training in the use of new types of tools, assistance in developing technologies that maximize product quality, employing fishermen to work in the operation of the OWF or tourism related to recreational fishing in the OWF area".

Lastly, it is notable that in the onshore wind industry, particularly in developing or emerging economies and where indigenous communities are potentially affected, long-term benefit-sharing agreements with affected groups are becoming increasingly common on top of mandatory compensation for land, with the following two main forms:

- Access of affected groups to equity in the project and remuneration in the form of dividends;
- Allocation of a fixed or variable percentage of profits to affected groups.

³⁶ *Warunki współistnienia w polskich obszarach morskich projektów morskich farm wiatrowych i towarzyszącej morskiej infrastruktury przesyłowej i gospodarki rybackiej, Morski Instytut Rybacki – Państwowy Instytut Badawczy, Gdynia, 01.04.2022 / „Conditions of coexistence in Polish maritime areas of offshore wind farm projects and accompanying offshore transmission infrastructure and fisheries management”*

5 POTENTIALLY AFFECTED FISHERIES

5.1 Methodology and Limitations

Most of the information on fisheries in this chapter is based on publicly available data, particularly from the Projects EIAs (EIA Reports 2023, 2022, 2021). Another source of more updated information is the report “Conditions of coexistence in Polish maritime areas of offshore wind farm projects and accompanying offshore transmission infrastructure and fisheries management”, prepared by Sea Fisheries Institute - National Research Institute, Gdynia, 01.04.2022. The site visit in April 2024 and meetings with local authorities were also sources of information. Fishing data covers the years 2018-2021. The situation in the fishing area is unstable - currently many fishermen are withdrawing from fishing - temporarily or completely (due to the fishing ban or limited resources), fishing boats are being reclassified for recreational purposes, and many boats are gradually being scrapped. When preparing the LRF, there was no more up-to-date data on fishing boats - their ports of origin, fishing routes and places, as well as on the catches themselves in the analysed 8 fishing squares.

5.2 Fishing Ports

The latest Projects EIA report (2023) refers in its analyses to fishing vessels whose home port is Ustka. Earlier reports (from 2021 and 2022), based largely on older data (pre-2018), indicate the ports of Ustka and Łeba as the home ports of fishing boats identified in the area that will be occupied by the two off-shore farms. The ports in Darłowo and Kołobrzeg are also mentioned, as possibly intersecting the Projects areas en route to fishing grounds in the Słupsk Ryn area. Older data, from 2013, also indicate the presence of individual fishing vessels from Jarosławiec, Świnoujście, Władysławowo and Dziwnów in the area of MFW Bałtyk II. However, these data are already outdated and the fisheries situation in the area has changed dramatically in recent years.

In 2022, 123 fishing cutters³⁷ and 699 small-scale fishing vessels (coastal boats) were registered in Poland. The average age of fishing cutters in Poland is 51,9 years; there are no vessels more recent than 26 years old.

Cutter fleets by port of registration in 2022 in the Project area are the following:

- Darłowo: 3 fishing cutters,
- Ustka: 20 fishing cutters,
- Łeba: 8 fishing cutters.

As of the end of 2023, the Polish fishing fleet consisted of 824 vessels and boats (unchanged year-on-year), with a total gross tonnage (GT) of 35.5 thousand (0.8% higher compared to the previous year) and a power of 83.9 thousand kW (0.5% lower). Similar to the previous year, the Polish fishing fleet included 2 trawlers, 123 cutters, and 699 boats³⁸.

Compared to the end of 2022, the number of fishing vessels in the Polish fleet remained unchanged at the end of 2023. Although the number of fishing vessels in the Baltic fleet at the end of 2023 was the same as at the end of the previous year (822 fishing vessels), its fishing capacity decreased by 112.54 GT and 442.60 kW. This situation was influenced, among other things, by the introduction of a fishing vessel for commercial fishing with a gross tonnage 44% smaller and engine power 35% lower than the vessel it replaced. Additionally, there was a significant reduction in engine power

³⁷ A fishing “cutter” is defined as a fishing vessel with a continuous deck, the total length of which is more than 15 m and less than 30 m, and the main propulsion power does not exceed 611 kW.

³⁸ [Polska flota morska liczyła 88 statków, rybacka 824 w 2023 – Inwestycje.pl](https://polskaflota.morska.liczyła.88.statków.rybacka.824.w.2023-inwestycje.pl)

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(over 65% each) for two fishing vessels. The number of fishing vessels in the deep-sea fleet also remained unchanged from the previous year (2 fishing vessels); however, the fishing capacity of this fleet increased by 409 GT due to modernization work carried out on one of these vessels³⁹.

The following figure shows the location of these ports.

Figure 6. Ports of Registration of Vessels Potentially Fishing in the OWF Area or in the Vicinity



Source of data: googlemaps

At the beginning of April 2024, the LRF team visited 5 ports in the region, which provided new information about the status and conditions of fishing in this part of the Baltic Sea. Generally, fishing activities are carried out in the MFW Bałtyk II and MFW Bałtyk III area from the port in Ustka. Based on information gained in Zarząd Portu Morskiego in Ustka (Ustka Sea Port Authority):

- According to data received in April 2024 from the Ustka Port Authority, the port has 26 fishing boats (up to 15 meters); 21 fishing cutters (over 15 meters); 11 angling boats; 12 commercial vessels; 57 non-commercial yachts; and 9 specialized boats.
- The vast majority of these boats are unused and do not currently engage in fishing activities,
- There are three ship owners in Ustka whose boats actually go out to sea and catch fish,
- The majority of fishermen have applied to scrap their boats; due to the submission of a large number of scrapping applications as of January 2024, a significant reduction in the number of ships registered in Ustka is expected at the end of the year,
- Some of the boats are reclassified as tourist and fishing boats, but not all of them sail, and in practice many have been moored in the port for several years, with no movements whatsoever,
- According to publicly available data⁴⁰, 54 applications for “co-financing qualified for evaluation, submitted under Measure 1.7 Permanent cessation of fishing activities - scrapping or reclassification of fishing vessels”

³⁹ "Raport roczny dotyczący działań zmierzających do osiągnięcia równowagi pomiędzy zdolnością połowową a wielkością dopuszczalnych połowów za okres od dnia 1 stycznia do dnia 31 grudnia 2023 r.":

⁴⁰ [1.7 Trwałe zaprzestanie działalności połowowej - złomowanie albo przekwalifikowanie statku rybackiego - Ministerstwo Funduszy i Polityki Regionalnej \(funduszeuropejskie.gov.pl\)](https://funduszeuropejskie.gov.pl/) - [Działanie 1.7 Trwałe zaprzestanie działalności połowowej - złomowanie lub przekwalifikowanie statku rybackiego - Ministerstwo Funduszy i Polityki Regionalnej \(rybactwo.gov.pl\)](https://rybactwo.gov.pl/)

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were submitted. These include⁴¹ 6 applications for permanent cessation of fishing activities of a fishing vessel from Darłowo and 4 from Ustka; 5 applications to scrap the vessel (2 from Łeba and 3 from Ustka), 1 application to reclassify the fishing vessel from Ustka as a non-profit activity.

- There was another call in January 2024 and the official list of applications for evaluation⁴² is currently published – it concerns the permanent cessation of fishing activities. The group of 50 people applying for these funds were identified from the ports in Łeba (21 people), Ustka (15 people), Darłowo (13 people) and Jarosławiec (1 person).

Information was also obtained from various sources during our site visit that that fishing squares in the farms area may also be used by fishing boats registered in other ports, including smaller, coastal ones - but this is difficult to investigate since small fishing boats are not required to report routes through a transponder and no clear data on this subject could be obtained.

Other ports, from which especially larger boats can sail or use the fishing squares in the investment area, are in Darłowo and Łeba. In Darłowo, compared to Ustka, a larger number of tourist boats was observed, but there is no data whether they are active (observation from the first half of April, before the tourist season).

In Łeba, an additional problem was reported in interviews with stakeholders apart from the ban on cod fishing and limited fish resources in the Baltic Sea (see section 1.2): the insufficient depth of the approach channel into the port, which makes it impossible for larger boats and fishing cutters to operate during several winter months, from November to March fishing - only 2-3 units sailed out. In the port of Łeba, it is also expected that a significant part of the boats will be scrapped this year. A larger number of moored boats, from which catches are probably regularly sold (photos), were observed in Łeba; conversations with fishermen suggest that two fishing boats over 20 m long regularly leave the port.

Additionally, in the small port in Rowy, there are 6 registered coastal boats, of which 2, sometimes 3, are active (information obtained from the port boatswain). It is also expected that some vessels will be scrapped in 2024.

13 small fishing boats, less than 10 m long, some of them apparently in use (local needs, probably only in the coastal zone) were also identified in Jarosławiec. There is no information about fishing locations.

The following figure shows photographs taken in the ports by the Sotis team in early April 2024.

Figure 7. Photographs taken in Fishing Ports by the Sotis Team

Port in Ustka (54 registered vessels)



⁴¹ [lista rankingowa 1.7 zBomowanie 2024-02-13.xlsx \(funduszeuropejskie.gov.pl\)](#)

⁴² [1.7 Trwałe zaprzestanie działalności połowowej - utrata miejsca pracy na statku rybackim - Ministerstwo Funduszy i Polityki Regionalnej \(funduszeuropejskie.gov.pl\)](#)

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Port in Darłowo



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Port in Łeba



Port in Rowy



LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

Fishing site in Jarosławiec (13 fishing vessels observed, length less than 10 m)



Source: Sotis Advisors, April 2024

5.3 Fishing Grounds, Vessel Routes, Catches

5.3.1 Location of Fishing Squares

Fishing squares are defined in the Maritime Spatial Plan and are used for regulatory and fish stock monitoring purposes. The Projects are located in the following fishing squares: L5, L6, L7, L8, M7, M8, N7, N8 (Figures below):

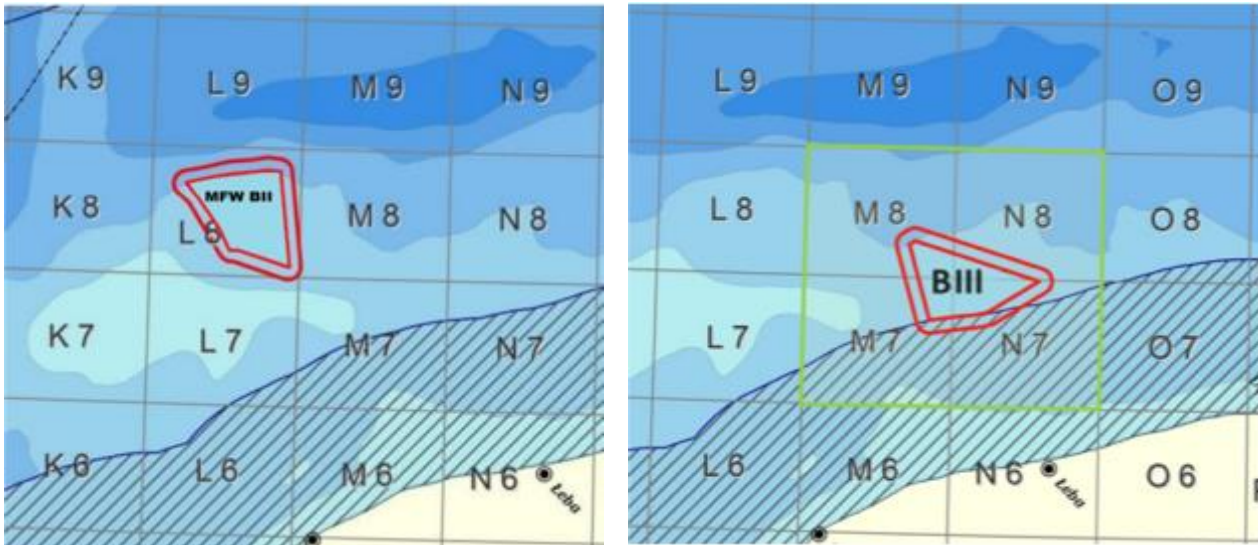
Figure 8. ECI part of the Projects footprint and Fishing Squares



Source: EIA Report, 2023

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

Figure 9. Offshore Wind Farm MFW Bałtyk II (left) and MFW Bałtyk III (right) footprint and Fishing Squares



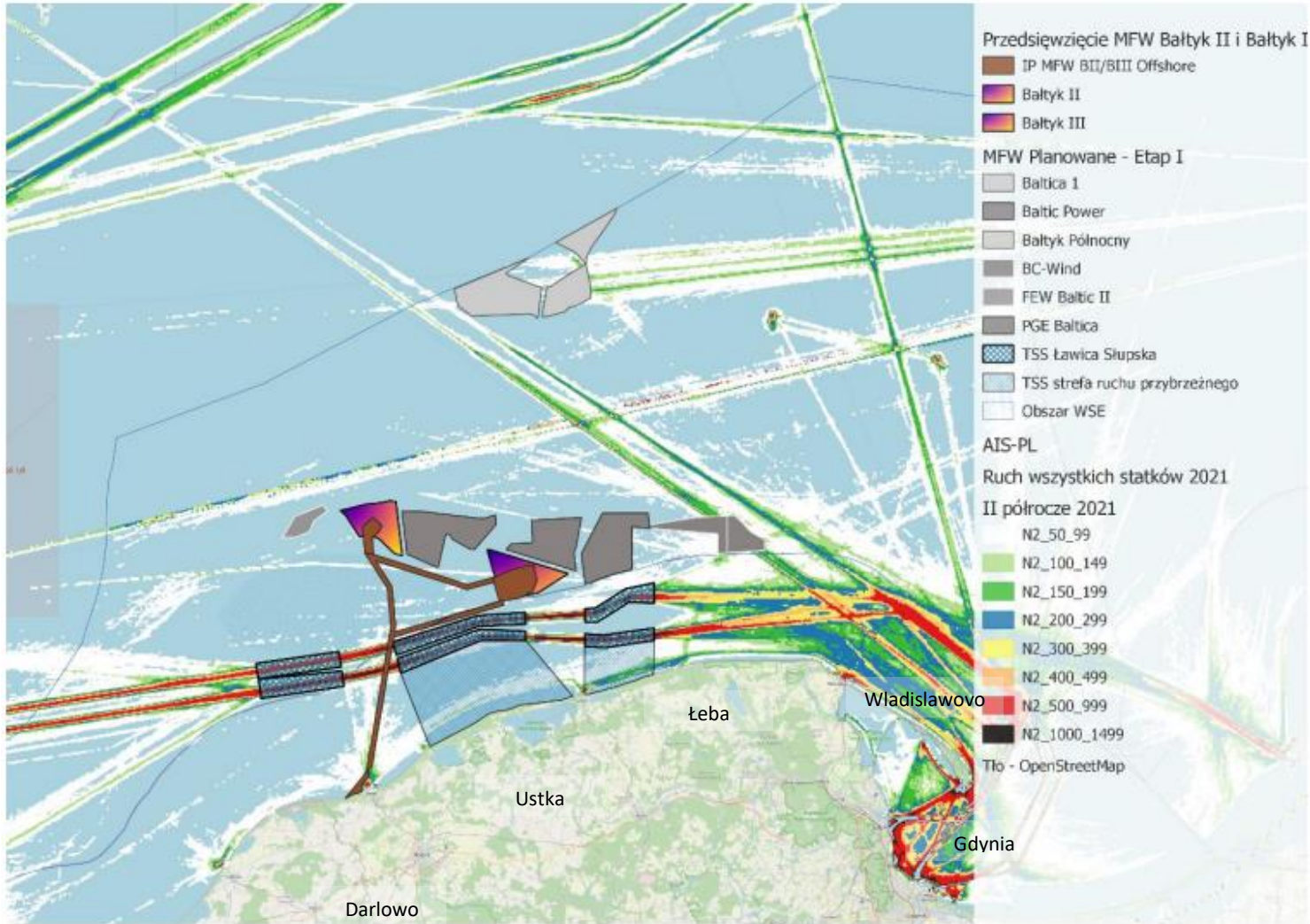
Source: EIA Reports 2021 and 2022

5.3.2 Ports of Origin of Vessels Fishing in the Affected Squares

The data presented in this section originates in the EIA Report (2023) and particularly its section on “Navigational expertise” (prepared in 2022). In this document, Automatic Identification System (AIS) data recorded by the Polish Maritime Administration in 2021 is presented to assess vessel routes in the Projects area. The figures below present data on the intensity of vessel traffic in the second half of 2021:

LRF for MFW Bałtyk II and MFW Bałtyk III (Project off-shore components)

Figure 10. Vessel traffic (all vessels) in the Projects area in the second half of 2021 based on AIS data



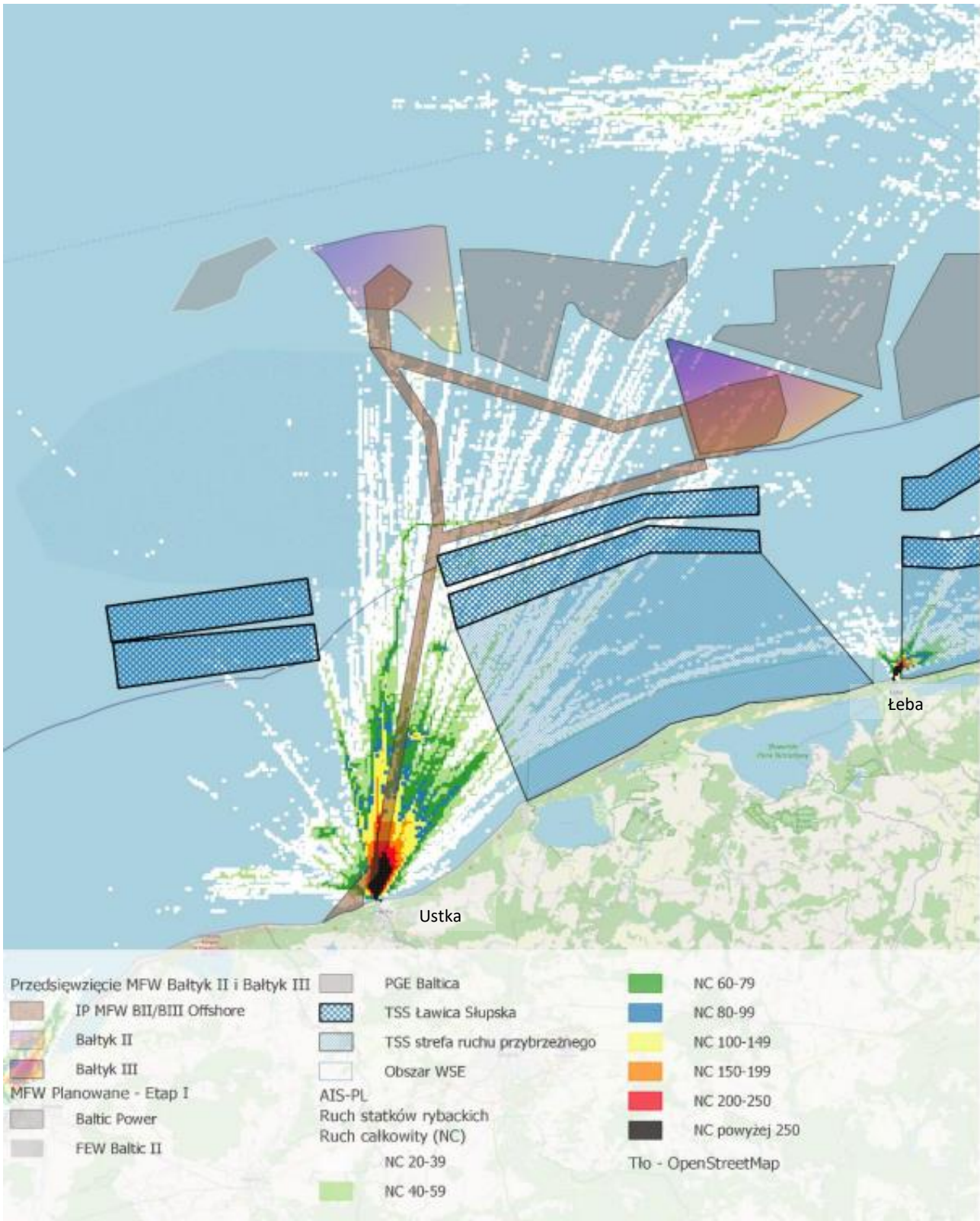
The light blue polygons are TSS areas (Traffic Separation Schemes per IMO rules) establishing two corridors (East-West navigation and West-East navigation of a width varying between 1.6 and 1.75 mile each) and a coastal traffic zone

Source: EIA Report 2023 - Volume IV Att. 3: Navigational expertise (2022)

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

The traffic of all fishing vessels is presented below (Figure 11), regardless of their speed:

Figure 11. Fishing vessel traffic (all vessels) in the Projects area in the second half of 2021 based on AIS data

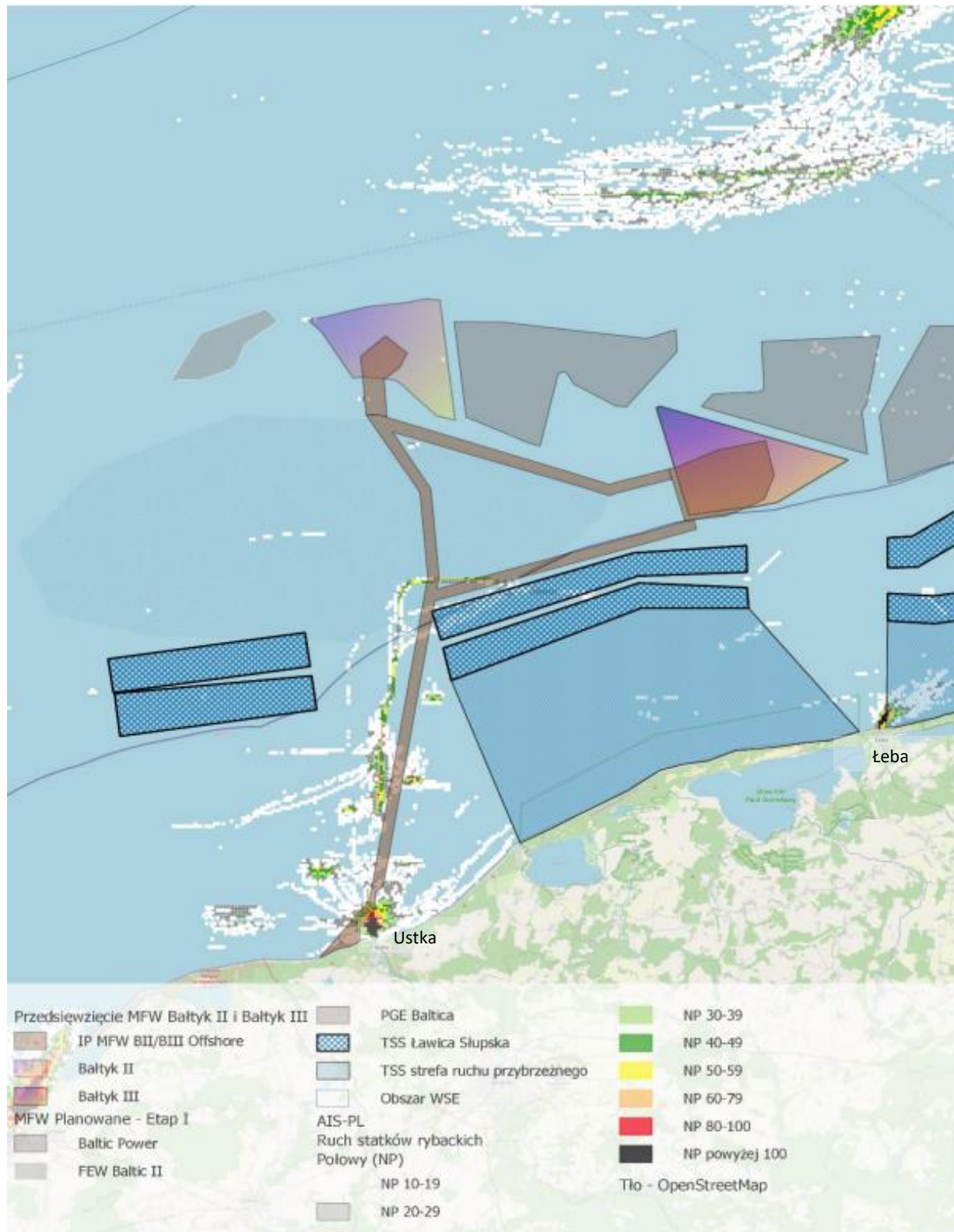


Source: EIA Report 2023 - Volume IV Att. 3: Navigational expertise (2022)

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

The figure below shows the traffic of vessels moving at speeds of less than 5 knots (Figure 12). It is assumed that when fishing vessels are identified as moving at speeds lower than 5 knots, this means that they are fishing while a speed above 5 knots means the fishing vessel is traveling to or returning from the fishing area to port (EIA Report, 2023).

Figure 12. Fishing vessel traffic – speed under 5 knots, based on the AIS-PL 2021 data



Source: EIA Report 2023 - Volume IV Att. 3: Navigational expertise (2022)

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

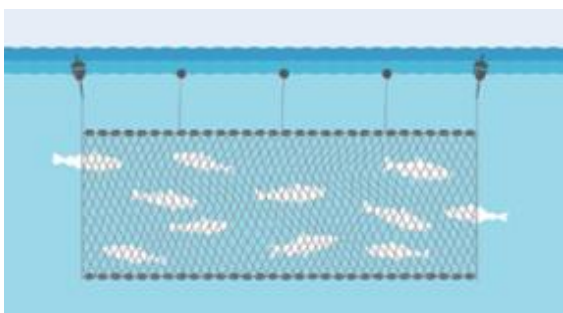
Based on the above maps, conclusions in terms of fishing grounds, fishing vessel routes, and generally navigation through the Projects off-shore areas, are the following:

- Ustka is the main port of origin for vessels fishing in, or crossing Projects-affected off-shore areas (Figure 11);
- The main East-West commercial vessel routes, particularly those that originate in Baltic ports east to Poland, pass either well beyond the Projects area or through the corridors designated per the applicable Traffic Separation Scheme, which intersect the Projects ECI corridor (Figure 10); fishing vessels do not use these corridors but cross them (Figure 11); note that the information pre-dates the war in Ukraine, which may have affected the main commercial route observed on the map, which could originate in Królewiec or St Petersburg ports in territory of the Russian Federation;
- There is virtually no fishing taking place in the wind-farm areas (Figure 12); however, they are crossed by fishing vessels (mainly in a South-North direction) and by commercial vessels (mainly in an East-West direction);
- Significant fishing took place in 2021 beyond the wind-farm areas in higher seas, with a relatively minor part of this fishing by vessels originating in Ustka, and the majority by vessels originating East to the Projects area, with approach routes to this fishing ground even suggesting that these vessels do not originate in Poland;
- In addition, there is coastal fishing from Ustka-based vessels in the area affected by the off-shore ECI corridor
- The highest intensity of fishing is observed in the route of the ECI corridor, in Polish territorial waters, in the section between the commercial vessel corridors established by TSS Ławica Słupska and the Port of Ustka; this corresponds to fishing squares L5, L6 and L7;
- Probable fishing locations were identified on both sides of the corridor, mainly on its western side; the locations where fishing appears to be the most intensive were identified at a distance of approximately 6 nautic miles off the shore at Ustka;
- The traffic intensity of fishing vessels in the vicinity of Ustka is high in relation to approaching the port.

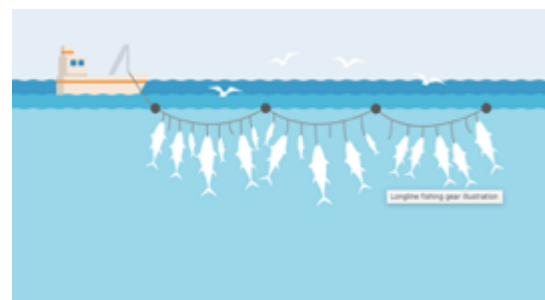
5.3.3 Fishing Techniques

The principle of fishing techniques in use in the Projects area are shown in the following figure:

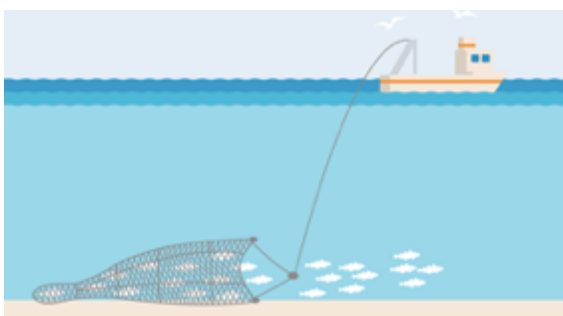
Figure 13. Fishing Techniques Used in the Affected Area



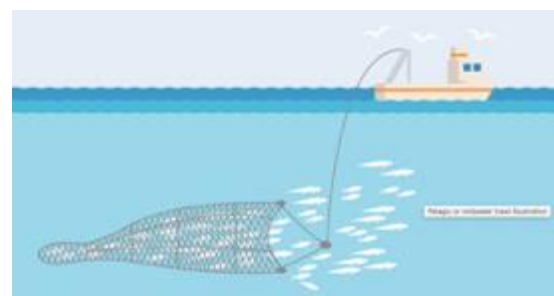
Gillnet (set gear)



Set longlines and hooks



Bottom trawl



Pelagic trawl

Source: Illustrations from the Marine Stewardship Council (www.msc.org)

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

According to the EIA Report, 2023 – the most commonly used fishing gear in the analysed 8 fishing squares, in two following period (before and after the introduction of the cod ban), are as follows:

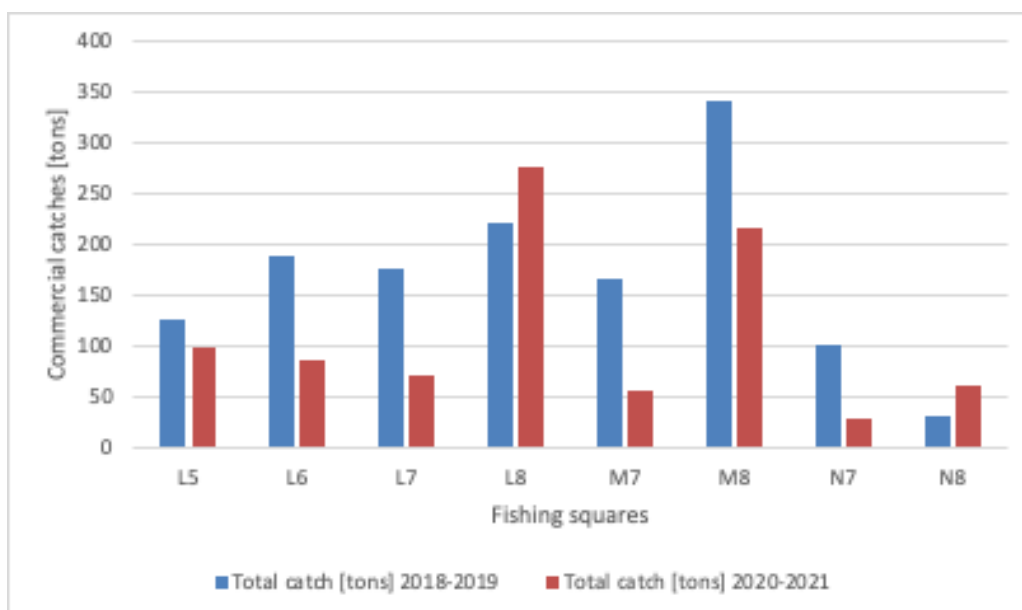
- In 2018-2019 (pre-cod fishing total ban):
 - gill nets: 484 metric tons of fish or 35,9% of catch weight,
 - bottom trawls: 372 tons (27.6%),
 - pelagic trawls - used by a much smaller number of vessels, 399 tons (29.6%),
 - set longlines – typically used by smaller vessels, 92 tons (6.9%),
 - catches with other gear were negligible,
- In 2020-2021 (post-cod fishing total ban):
 - gill nets: 166 metric tons of fish or 18.7% of catch weight,
 - bottom trawls: 156 tons (17.5%),
 - pelagic trawls: 569 tons (63.9%),
 - there was no set longlines fishing during this period, as this gear is mainly used to catch cod (a result of the total ban on cod fishing implemented from mid-2019).

5.3.4 Catches

Detailed information and analysis of fish catches, in particular in the 8 fishing squares affected by the Projects, are presented in EIA Report, 2023 (p.101-111). As also summarised in Figures 14 and 15 below:

- The total catches in the analysed fishing squares were significantly lower in 2020-2021 (892 tonnes) than in 2018-2019 (over 1348 tonnes),
- The catches in the 8 analysed fishing squares in 2018-2019 amounted to 1.05% of the total catches in Polish Maritime Areas (POM); in 2020-2021, the percentage share in the total catches in POM was even lower, at 0.92%.
- In 2018-2019, the highest catches were recorded in M8 and the lowest in N8,
- In 2020-2021, the highest catches were recorded in L8 and the lowest in N7.

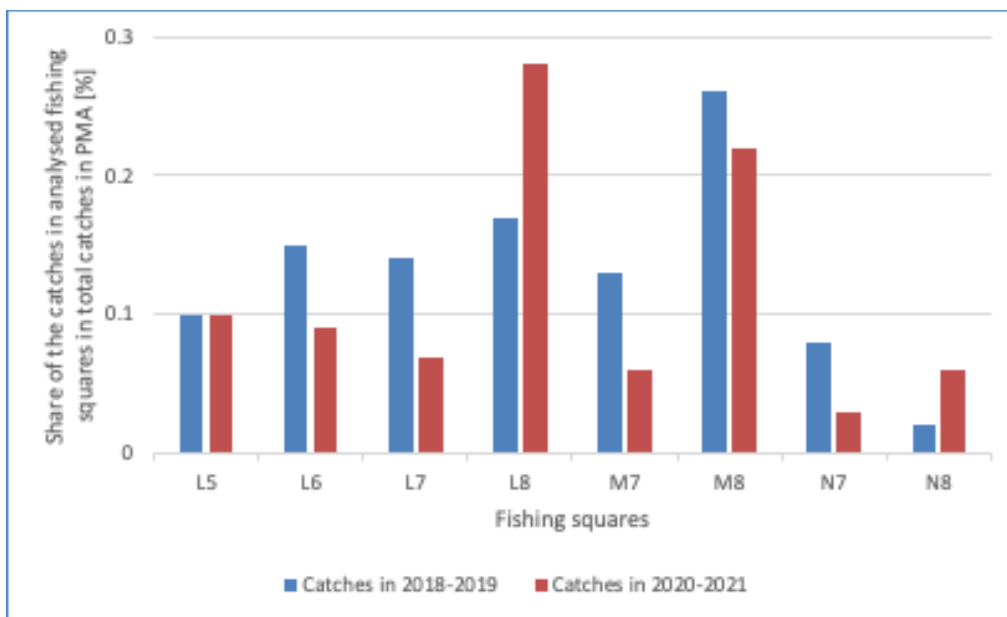
Figure 14. Total catches in fishing squares in 2018-2019 and 2020-2021 periods [metric tons]



Source: data in EIA Report, 2023

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

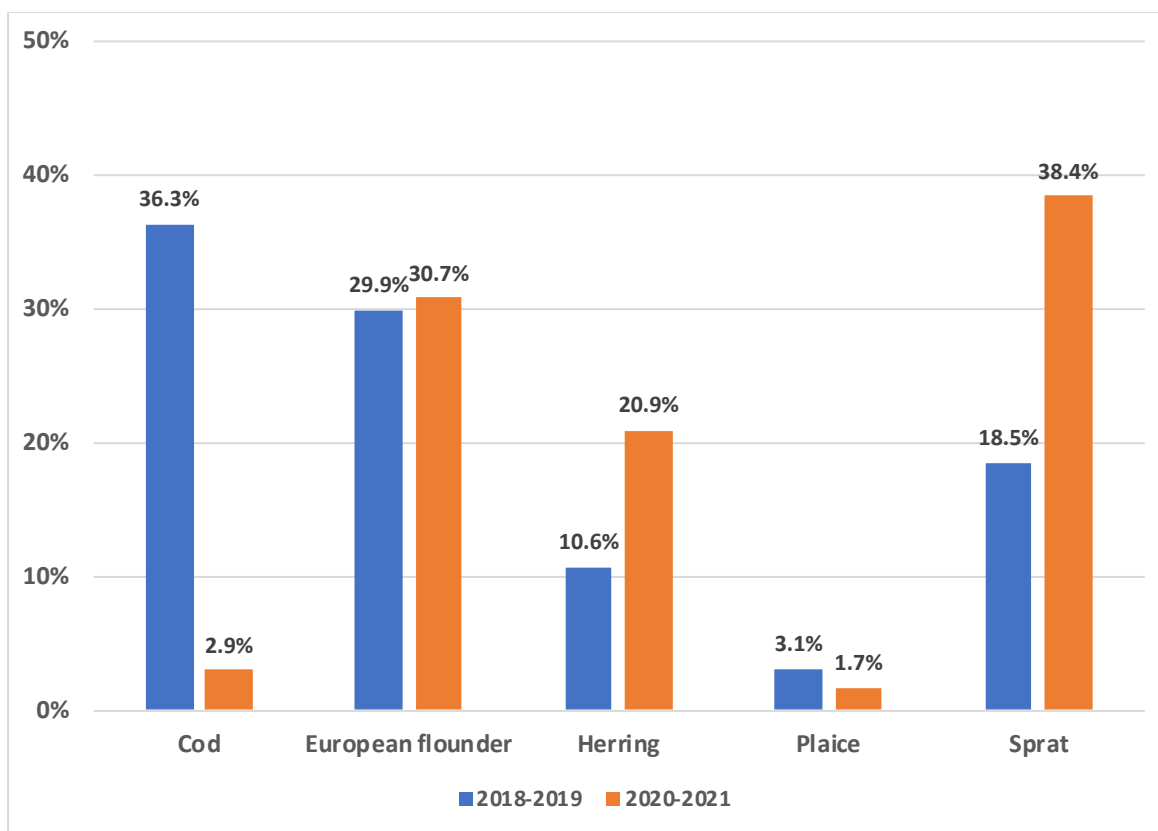
Figure 15. Catches per fishing squares in relation to total catches in Polish Maritime Areas [%]



Source: data in EIA Report, 2023

The distribution by species of catches in the potentially affected fishing squares in years 2018-2019 and 2020-2021 is presented in the figure below:

Figure 16. Distribution of catches per species in affected fishing squares before and after the cod ban (percentage of total catches, in commercial weight)



Source: data in EIA Report, 2023

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

In 2018-2019, cod catches accounted for 36% of total commercial fish catches in the analysed fishing squares. In the following period, this figure dropped to 3%, which is probably by-catches and is a direct result of the introduction of the ban for this species from mid-2019. The cod ban has resulted in an increase in catches of other commercial species, particularly sprat and herring.

5.3.5 Fishing Effort

The fishing effort for all analysed fishing squares is presented in the table below (Figure 17). These data cover the years 2018-2021. The highest fishing effort was recorded in 2018 (2,120 fishing days), the lowest in 2020 (1,444 days).

Table 5. Fishery effort (in days) and efficiency (in kg/day) in the affected fishing squares

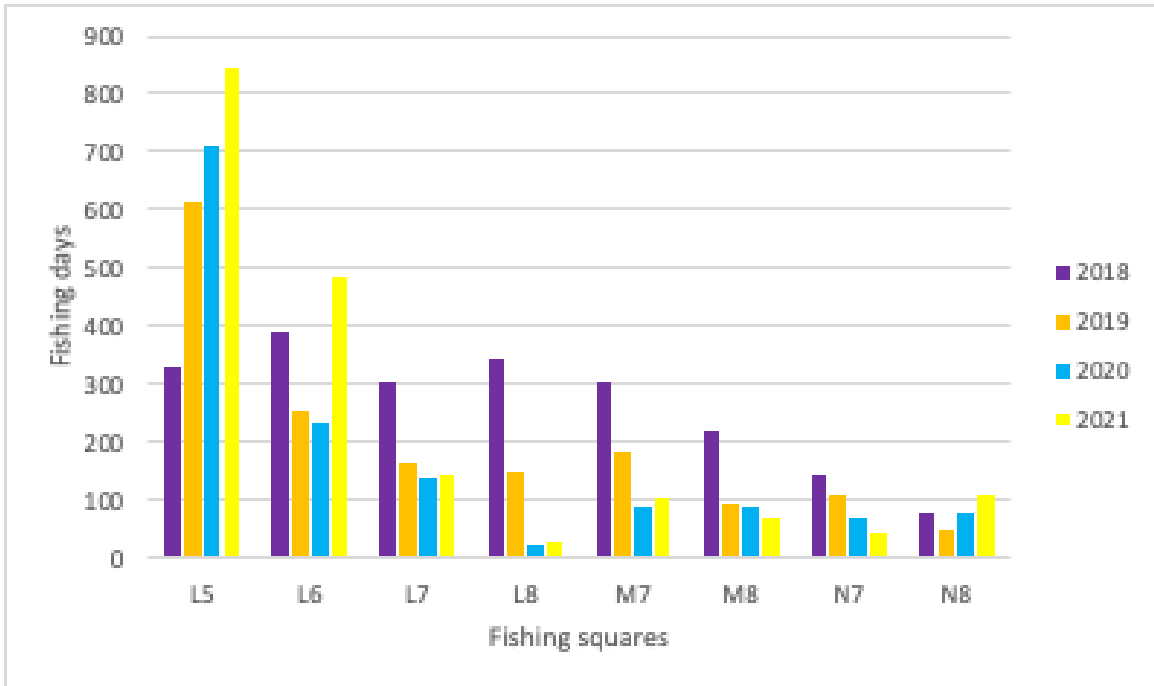
Fishing quadrants	Vessel length	Year			
		2018	2019	2020	2021
L5	< 12 m	315	608	611	735
	≥ 12 m	15	5	100	108
	Total	330	613	711	843
	Efficiency (kg/day)	187	103	47	77
L6	< 12 m	160	130	87	269
	≥ 12 m	230	125	147	216
	Total	390	255	234	485
	Efficiency (kg/day)	351	201	165	100
L7	< 12 m	125	79	34	95
	≥ 12 m	180	87	106	51
	Total	305	166	140	146
	Efficiency (kg/day)	362	391	317	180
L8	< 12 m	180	108	6	8
	≥ 12 m	163	43	21	22
	Total	343	151	27	30
	Efficiency (kg/day)	469	403	2583	6833
M7	< 12 m	144	73	16	41
	≥ 12 m	162	111	74	62
	Total	306	184	90	103
	Efficiency (kg/day)	356	309	277	305
M8	< 12 m	129	45	10	19
	≥ 12 m	92	50	78	50
	Total	221	95	88	69
	Efficiency (kg/day)	392	2668	931	1934
N7	< 12 m	113	85	34	14
	≥ 12 m	34	25	38	33
	Total	147	110	72	47
	Efficiency (kg/day)	385	398	281	164
N8	< 12 m	50	33	13	29
	≥ 12 m	28	16	69	82
	Total	78	49	82	111
	Efficiency (kg/day)	176	371	673	58
Total		2120	1623	1444	1834
Efficiency (kg/day)		347	377	255	285

Source: EIA Report, 2023, p. 96

The figure below shows the fishing effort for each year of this period for each fishing area:

LRF for MFW Bałtyk II and MFW Bałtyk III (Projects off-shore components)

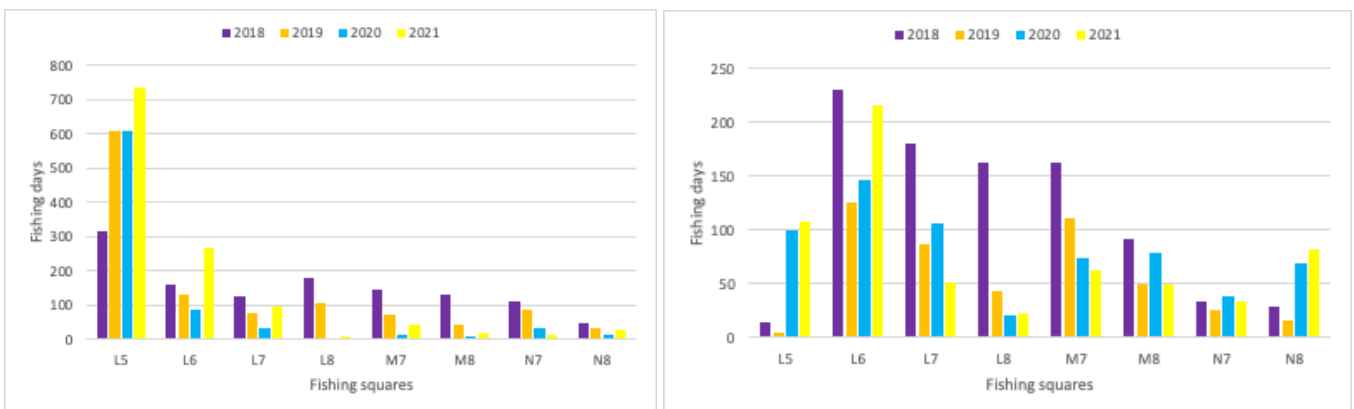
Figure 17. Fishery effort (in days) in affected fishing squares



Source: data in EIA Report, 2023

These data show that vessels are now fishing in the more coastal squares – particularly L5 the most coastal one, and to a lesser extent L6 – to the detriment of the higher seas (L8, M7, M8). This means in practice that potential impacts, which used to be potentially significant in the wind farms area, are now almost insignificant in these relatively remote squares, while they have significantly increased along the ECI corridor, particularly close to the Ustka port. This tendency is confirmed throughout both main categories of vessels (less than 12m, and more than 12m), although stronger for the former, which is normal. It is also observed that in square N8 large vessels are fishing more than before.

Figure 18. Fishery effort (in days) in affected fishing squares. Small vessels (<12m) and larger vessels (>12m)



Source: data in EIA Report, 2023

5.3.6 Fishing Productivity

The following figure shows fishing productivity (in kg/km²) of the different fishing squares. According to the EIA report, fishing productivity in the analysed area was the highest in 2018 (249 kg/km²), dropping to 177 kg/km² in 2021. The average value for all analysed fishing squares in the analysed period is 189 kg/km², with the highest productivity recorded in squares M8, L8 (open sea zone) and L5 (including coastal zone). The lowest values were found in squares

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N8 and N7. The fishing productivity in the area is relatively low - about 4.6% of average value for the Polish Maritime Areas in 2014-2019.

Figure 19. Fishery productivity – 2018-2021 – in kg/km2



Source: EIA Report, 2023, p. 97

In terms of value, the total catch in the potentially affected squares was:

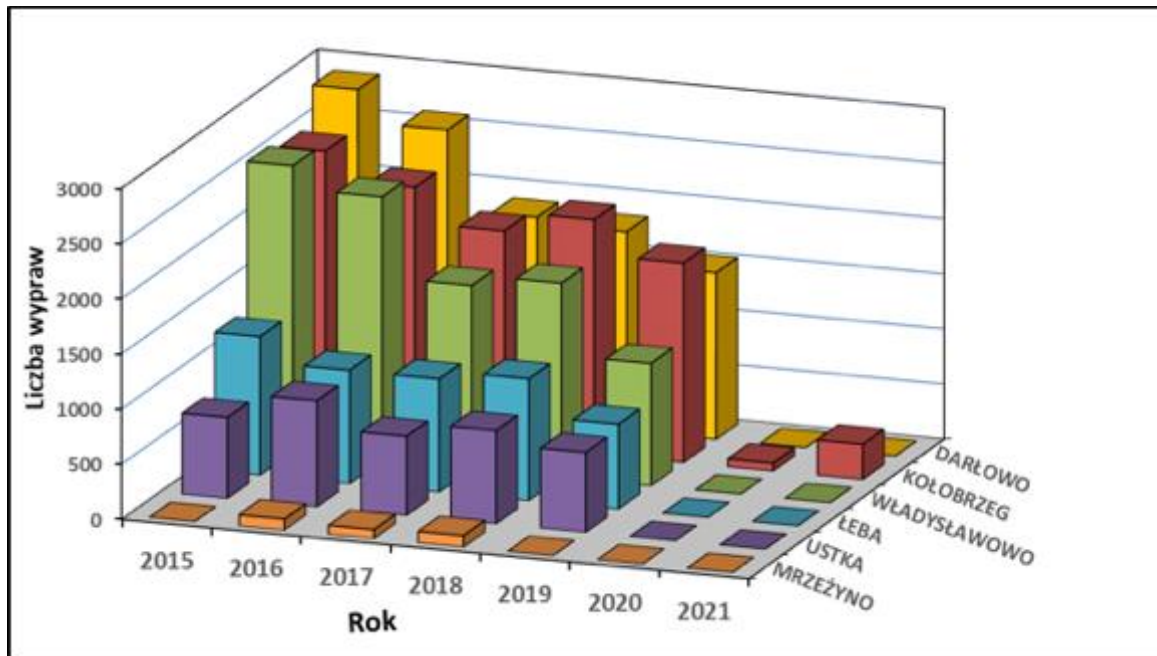
- PLN 1.15 M in 2019, with cod amounting to 47% of this value;
- PLN 0.58 M in 2020, with cod amounting to 22% of this value;
- PLN 0.62 M in 2021, with cod amounting to 11% of this value;

Not only have catches decreased in gross weight, but they have also significantly decreased in value. From a value perspective, the affected squares represent approximately 0.5% of the value of catches throughout the whole Polish Baltic coast.

5.3.7 Perspectives of Local Fisheries in the Mid-Term

The following figure shows the extent of the impact of the cod ban on local fisheries:

Figure 20. Effect of the cod ban (number of fishing trips from the main ports of the Polish Coast)



Source: Conditions of coexistence in Polish maritime areas of offshore wind farm projects and accompanying offshore transmission infrastructure and fisheries management, Sea Fisheries Institute - National Research Institute, Gdynia, 01.04.2022

In 2018-2019, cod catches accounted for 36% of total commercial fish catches in the analysed fishing squares. In the following period, this figure dropped to 3%, which is a direct result of the introduction of a ban for this species from mid-2019.

The four-year ban on cod fishing in the Eastern Baltic entered into force on January 1, 2020 and has been extended to 2024⁴³. Until 2024, shipowners and crews of fishing boats that have been fishing for this species so far are to receive compensation for the complete inability to fish. In order to mitigate the economic effects of the ban on cod fishing, funds from the European Maritime, Fisheries and Aquaculture Fund (EMFAF) are allocated. There is no immediate perspective that the complete ban on cod fishing could be waived. Eastern Baltic cod stocks are being scientifically monitored but, in spite of the ban of fishing, there has been no sufficient improvement to provide a perspective for lifting the ban any time soon. Recent research suggests, rather, that overfishing is not the only factor of loss of cod stocks, with water temperature increases in relation to climate change and significant changes in the composition of phytoplankton⁴⁴ also blamed. As a result, it is most unlikely that fisheries along the Polish shore, particularly in the affected fishing squares, will be able to recover, and the tendency highlighted by port authorities towards scrapping of most fishing vessels is likely to be irreversible (see section 5.2).

⁴³ [Baltic Sea: Council agrees catch limits for 2024 - Consilium \(europa.eu\)](https://www.consilium.europa.eu/en/press/press-releases/2024/03/24-baltic-sea-catch-limits/)

⁴⁴ <https://www.thuenen.de/en/newsroom/news/detail/microbes-steal-energy-from-cod-in-the-eastern-baltic-sea>

5.4 Summary

Over recent years, there has been a dramatic change in fishing activities in Pomeranian ports:

- in the quantity of catches (which decreased very significantly) and in the species caught (with no cod caught any longer due to an EU-wide ban, and sprat and herring, of lesser commercial value, now being the predominant species fished);
- in fishing areas, with more remote fishing areas (amongst the affected fishing squares) being nearly abandoned and fishing now concentrating in the most coastal areas,
- in the number of active fishing vessels in each port visited, with the majority of vessels anticipated to go to scrapping in the coming couple of years.

Impacts on fisheries are now concentrated in the ECI area, in fishing squares L5, L6 and L7. Fishing is almost non-existent in the areas of the wind farms, however these can be crossed by vessels in route to fishing grounds in higher seas.

The catches in the 8 analysed fishing squares in 2018-2019 amount to approximately 1% in weight and 0.5% in value of total catches in all Polish Maritime Areas (POM). This tendency is confirmed in 2021 data.

5.5 Data Update

The situation in the fishing industry in the Projects area is undergoing rapid and irreversible changes. It is therefore advisable for the Projects to update on a yearly basis data on the number of registered and active fishing cutters and small-scale boats in the different ports of the region, as well as to monitor the routes and fishing sites of the vessels, including small and coastal ones, which can be done by local scientists from AIS data kept by the Maritime Office in Gdynia.

The purpose of these yearly update surveys will be to update the identification of ports of origin from which fishing vessels either operate in the areas of the MFW Bałtyk II and MFW Bałtyk III wind farms and ECI, or cross them in route to more remote areas. Ports that should be monitored are Ustka for the most part, and to a much lesser extent Łeba, Darłowo, Rowy and Jarosławiec.

6 STAKEHOLDER ENGAGEMENT

6.1 Past Consultation on Maritime Spatial Plan

6.1.1 National Consultation in Poland

In April 2021, the spatial development plan for internal marine waters, the territorial sea and the exclusive economic zone on a scale of 1: 200,000 was adopted by a regulation of the Council of Ministers (Journal of Laws of 2021, item 935, as amended)⁴⁵. The draft plan was widely consulted. This process lasted several years and is well documented (see Section 2.2.3 Maritime Spatial Planning above). The draft plan together with the EIA were available to the general public from 19 June 2018 to 1 August 2018. The updated documents were made available again to the public from 8 August 2019 to 27 September 2019. Four consultation meetings open to the general public as well as sectoral meetings were organized, including those on the subject of fisheries^{46 47}. Additional analyses and studies were carried out during the work on the plan, including a more accurate location of fisheries for fishing boats over 12 m in length on the basis of interviews with fishermen, which covered 267 fishers in 53 locations (estimated to be 72% of the fishers population).

A summary of these interviews is provided in one of the appendices to the spatial plan, as follows: "All existing fisheries and fishing navigation to fisheries outside the reserved area are allowed, outside of closed areas for shipping and fisheries designated by the decisions of the directors of maritime offices (navigation safety rules, 100-metre safety zone around turbines and other structures in operations – which will be determined at the stage of issuing a building decision)".

6.1.2 International Consultations

During the spatial plan preparation, meetings were also organized with neighbouring countries. 40 people from 7 Baltic countries participated in the first meeting, then again 40 people took part in the second consultation meeting (6-7 Nov 2017 in Warsaw), including representatives from Germany, Denmark, Sweden, Russia, Latvia and Finland.

Due to possible impact to Germany, Denmark and Sweden, the transboundary procedure established by the Espoo convention applies (started in 2020).

6.2 Past Consultation by Projects

The most up-to-date and comprehensive source of detailed information on the consultations conducted by the Investor is so far the Stakeholders Management Plan (SEP 2022), revised in April 2024.

6.2.1 Consultation with the Fishery Community

First consultations with the fishing community took place in 2015 within an annual educational and communication campaign regarding the proposed construction of the Bałtyk Środkowy III⁴⁸ (BSIII) offshore wind farm together with

⁴⁵ [Kategorie planów morskich » Projekt planu zagospodarowania przestrzennego Polskich Obszarów Morskich w skali 1:200000 \(umqdy.gov.pl\)](https://umqdy.gov.pl)

⁴⁶ [Spotkanie w sprawie rybołówstwa \(umqdy.gov.pl\)](https://umqdy.gov.pl)

⁴⁷ www.umqdy.gov.pl/plan_morski/spotkanie-branzowe-w-sprawie-ruchu-jednostek-plywajacych-przez-obszar-farm-wiatrowych/

⁴⁸ *Previous denomination of the Bałtyk III project.*

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external connection infrastructure, carried out by the Foundation for Sustainable Energy (FNEZ) in cooperation with Polenergia.

FNEZ organized consultation meetings with the representatives of fishing communities in Darłowo (May 15, 2015), Łeba (May 28, 2015), and Ustka (May 29, 2015). Representatives of all associations which represent fishermen in a given location and port and local government authorities were invited to participate in the consultations.

The purpose of the meetings was to present the BSIII OWF project to the representatives of the fishing communities, the results of the environmental surveys carried out for the purposes of the environmental impact report, and to understand concerns and expectations of the fishing communities. The concerns that were then raised were the following:

- Projects impact on fish stocks,
- the possibility to fish in the area of the BSIII OWF,
- the possibility to cross the wind farm, and
- compensation paid in the case of losses⁴⁹.

Other meetings targeting communities in general, thereby including fishers if they are willing to participate, have been organised on a regular basis by the Projects since 2022. These meetings are announced via notices to local authorities, posters or announcements in local media.

Specific consultations with the fishing community (fish producer organisations, recreational fisheries organisations and other stakeholders related to fisheries) are expected to begin when the Code of Good Practice is prepared (in accordance with the Sector Deal – see section 2.6.2).

The revised SEP takes into account the involvement of the fishing community in preparatory stages prior to construction, and further during construction and operation.

Before starting construction of the Projects, fair rules for possible compensation agreements, where relevant, should be negotiated with fishermen in case of residual impacts on fisheries. This should be based on a Code of Good Practice agreed with all stakeholders under the Sector Deal.

Due to the dramatic changes experienced by fisheries in the area, it will be necessary to re-identify stakeholders relevant to fisheries who are really exposed to potential negative impacts of the Projects.

6.2.2 Consultations within the Framework of the “Sector Deal”

On the initiative of the Deputy Minister of Climate and Environment, representatives of the government administration and key representatives of the offshore wind energy sector signed the "Polish Offshore Wind Sector Deal" on September 15, 2021. The overriding goal of this agreement is to support the development of the offshore wind sector in Poland and to maximize "local content", i.e. the participation of Polish entrepreneurs in the supply chain for offshore wind farms built in the Polish exclusive economic zone. The Sector Deal is meant to enable the start of cooperation between entities interested in the construction and development of the offshore wind energy sector. Parties to the Agreement are representatives of the government administration and representatives of investors and the industry, including:

- Ministry of Climate and Environment,
- Ministry of State Assets,

⁴⁹ Podsumowanie kampanii edukacji i komunikacji społecznej dla projektu MFW Bałtyk Środkowy III wraz z infrastrukturą przyłączeniową, Fundacja na rzecz Energetyki Zrównoważonej, November 2015

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- Ministry of National Defence,
- Ministry of Interior and Administration,
- Ministry of Education and Science,
- Ministry of Finance, Development Funds and Regional Policy,
- Ministry of Agriculture and Rural Development,
- Ministry of Labor and Technology,
- Representatives of local government units, entities of the education system, higher education and science,
- Representatives of investors and the industry, specifically the Polish Wind Energy Association and the Polish Offshore Wind Energy Association.

The Agreement is to constitute a permanent platform for cooperation between government administration and local government authorities, current and future investors and operators of offshore wind farms in Poland, as well as representatives of the supply and service chain, scientific and research units and financial and insurance institutions, in order to achieve the purpose of the Agreement, by ensuring coordinated actions for the dynamic development of the Offshore Wind Energy sector in Poland, with an emphasis on strengthening national energy, environmental, economic and social benefits⁵⁰.

Within 6 working groups established further to the Sector Deal, one sub-group (6-3) is tasked to develop rules that will enable safe coexistence of sea fisheries and offshore wind farms. The scope and schedule of work of this working group are the following:

- Development of rules on how to verify possible losses and possible and adequate methods and scale of their compensation for documented lost fishing opportunities for owners and operators of fishing vessels;
- Developing and submitting detailed proposals to the Ministry of Agriculture and Rural Development conditions for sea fishing in the area of the OWF and in within the export infrastructure.

The first meeting of this group took place in June 2022 and the group is meeting regularly every month. Among many issues, the following were discussed in detail:

- The Danish solutions (see section 4.2) concerning the co-existence of fisheries and offshore wind farms and the rules for implementing compensation for losses incurred by fishermen,
- The need to develop ways of communication with fishermen not associated in organizations,
- The need to regulate the issue of compensation for fishermen in the Polish regulations,
- The scope of the Code of Good Practices.

According to the provisions of the Sector Deal, the development of the Code of Good Practices takes place in the working group 6: Stakeholder Cooperation and Regulatory Environment, Subgroup 3: Cooperation in the Area of Fisheries. The main elements of the outline of the Code have been developed taking into account comments from fishing communities. The Code of Good Practice is developing by the University of Gdańsk at the request of PWEA. The fishing communities will be involved in its final form when the Code will be presented within the relevant Sector Deal group.

One of the main objectives of this Code is to identify the recommendations on how to verify possible losses and possible and adequate methods and scale of compensation for documented lost fishing opportunities for owners and operators of fishing vessels. The draft Code of Good Practice is not available at this point in time. It is expected that the document should be established in time for start of the Projects construction phase.

⁵⁰ <https://www.gov.pl/web/klimat/podpisano-porozumienie-sektorowe-na-rzecz-rozwoju-morskiej-energetyki-wiatrowej-w-polsce>

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The Code is expected to address the following:

- Commitment to cooperation between investors and fisheries' organisations;
- Background information on fisheries in areas earmarked for offshore wind development and on potential impacts to fisheries and fish stocks;
- Safety rules applying to fishing vessels and various fishing gear within offshore wind farms maritime territories;
- Agreement of investors and owners of fishing vessels to the principle of assessment of fishing activity in the areas of planned offshore wind farms;
- Engagement of the fishing community in work related to OWFs, potentially including:
 - Cooperation in research;
 - Initiatives to improve occupational safety at sea;
 - Assessment of potential fishery losses and methods for their compensation;
 - Measures to mitigate impacts of offshore wind farms to fish stocks
- Communication between investors and fishing vessel owners.

The last meeting of the above-mentioned working group working on the Code of Good Practice and the official compensation mechanism for fishermen in connection with the construction of offshore wind farms took place in May 2024. According to the assumptions, the mechanism is to be published in a regulation and cover the period of construction and operation of offshore wind farms. The methodology for calculating compensation is being prepared by MIR-PIB (Sea Fisheries Institute - State Research Institute) on behalf of the Ministry of Agriculture and Rural Development. Currently, publication of the official mechanism is expected in mid-2025.

At the same time, due to the lack of official solutions, one of the offshore wind farms developers⁵¹, which is the first to start work at sea, has developed its own transitional mechanism (until the official compensation mechanism is published), which was presented at meetings with fishermen and tourist operators on 23-24 September 2024. The implementation of this transitional mechanism is planned for November 2024.

⁵¹ <https://wysokienapiecie.pl/krotkie-spicie/baltic-power-wprowadzi-przejsciuwy-system-rekompensat-dla-rybakow/>

7 LIVELIHOOD RESTORATION FRAMEWORK

7.1 General Spirit of Impact Management Measures

Avoidance and minimisation will be prioritised. The key principle is to design, build and operate the Projects in such a manner that impediments to navigation of vessels and to fishing will be kept minimal in both the construction and operations phases. Avoidance and minimisation will be based on:

- Physical measures (navigation corridors during construction and/or successive construction affected areas to keep navigation and fishing possible in certain areas of the wind farm);
- Awareness and training targeting fishers (both professional fishers and “recreational” fishers) on restrictions and safety measures to be taken in both construction and operations phases when navigating in the area of the Projects.

The need for compensation and livelihood restoration should be kept minimal. However, depending on safety measures in the Code of Good Practices (see section 6.2.2) and the decision on final exclusions and restrictions to be taken by the Maritime Office, it is possible that certain impacts will not be avoided.

7.2 Avoidance and Minimisation

7.2.1 Construction Phase Impacts

In the construction phase of the Projects, 500 m safety zones around any installation vessel will be established inside the demarcated construction area. This is independent of the vessel doing work or not at site. The Environmental Decision is prescribing 50 m exclusion zones around any foundation but this is tentative as the Maritime Office in Gdynia will have the last word on exclusion zones in operations.

It is recommended to phase and organise the construction phase such that navigation corridors can be maintained between turbines for vessels of less than 45 metres in length. This will allow to maintain navigation with minimal disruption to fisheries and other vessels.

A recommended solution to ensure the possibility of navigation and fishing in specific areas of the wind farms, is construction in phases, with proper disclosure to fishers of the phasing of restrictions.

A detailed plan to minimise impacts during the construction phase will be developed by the Projects and its outcomes will be presented in the final Livelihood Restoration Plan. It is expected, that by the time the Livelihood Restoration Plan is prepared, the Code of Good Practices mentioned in section 6.2.2 will have been prepared and agreed with the fishers’ organisations in application of the “Sector Deal”, which will set out the principles for the application of such avoidance and mitigation measures during the construction phase. This will be reflected in the final Livelihood Restoration Plan.

Where temporary unanticipated or additional exclusions or restrictions have to be put in place by the Projects during the construction phase on top of the generic ones, they will be published in ports (i.e. via port captains) and notified to local fishers’s associations with a prior notice of at least one week.

Prior to commencement of construction, the Projects shall organise information meetings around restrictions and exclusions applicable to fishing and recreational vessels. A safety brochure meant specifically for fishing and fishing recreational vessels will be prepared by Investor with a validation by the Gdynia Maritime Office for dissemination to fishers. It will be posted on the Investor’s website, on the online portal Bałtyk123.pl, in the Local Information Point in Łeba, disseminated via port captains and fishers associations, with notices in the local press about its purpose and availability.

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In accordance with the updated Stakeholder Engagement Plan, the Projects have established a grievance mechanism to meet the lenders' requirements included in their stakeholder engagement standards (e.g. PR10 for EBRD). This mechanism must be able to accommodate fishermen's claims and questions, with special opportunities for submitting complaints, doubts and questions through Local information point, construction offices, etc.

Throughout construction, the Projects will organise quarterly information meetings in which fishermen can participate to monitor, register and address specific concerns and provide information to the status of construction and the path towards operations.

7.2.2 Operations Phase Impacts

While the final safety distances are yet to be established by the Gdynia Maritime Office, it is understood that safety distances of 100 metres⁵² from turbines are envisioned for vessels of less than 45 metres in length. Given the spacing between turbines, this would allow navigation of such vessels within the wind farm during the operations phase. These distances are also aligned with current good industry practice for similar projects. Similar to the construction phase, the Maritime Office should define mutually agreeable safety distances around artificial islands and turbines, as well as submarine cable corridors.

7.3 Eligibility Principles

Any compensation will follow eligibility rules defined in the Code of Good Practices, agreed between fishers representative organisations and the Polish Wind Energy Association. Compensation mechanism is developed at the government level by the Ministry of Agriculture and Rural Development.

Only fishing vessels legally registered in ports and verified in the LRP on the basis of the additional surveys referred to in section 7.5.2 will potentially be eligible for compensation under this LRF.

The case of recreational fishing vessels should be clarified through a specific survey. It is believed at this point that their operations (currently minimal per information gathered from port captains) will not be impeded by restrictions and exclusions related to the wind farm as it is unlikely that their itineraries intersect this area. However, due to the timing of the drafting of the LRF and the associated site visit in early April (before the tourist season), it was not possible to verify and justify this assumption. This will have to be done through specific consultations with recreational fishing operators in the affected ports. The outcome of this specific consultation will be reflected in the final LRP.

7.4 Entitlement Matrix

Entitlements, including rates, amounts, and conditionalities, will follow the rules defined in the Code of Good Practices, prepared and agreed with the fishers' organisations in application of the "Sector Deal".

A generic and tentative entitlement matrix is presented in the following table for offshore impacts.

⁵² *Position of the Director of the Maritime Office in Słupsk of November 13, 2015 regarding the establishment of safety zones around planned offshore wind farms and the imposition of restrictions related to navigating and fishing activities in the area of planned Bałtyk Środkowy III OWF: "During the construction phase - the areas where construction work will be carried out will be gradually, temporarily closed to navigation and fishing. In the operation phase - the farm area will be available for navigation, after establishing 100-meter safety zones around the turbines and other structure elements, and for fishing carried out exclusively with pelagic fishing gear. Navigation between turbines will be permitted for vessels with an overall length of up to 45 m, with a visibility of at least 3 nautical miles."*

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Table 6. Entitlement Matrix for Off-Shore Impacts

Assets	Specifications	Eligible displaced people/entities	Entitlements
Compensation			
Loss of income	Permanent loss of net income during the Operations phase Payable in cash	Affected fishermen fishing in fishing squares L5, L6, L7, L8, M7, M8, N7, N8	<p>Compensation to cover 12 months of lost income reported by the affected fishermen/fishing companies, backed up by supporting records and validated through the Livelihoods Baseline Survey (LBS) to be carried out as part of the preparation of the Livelihood Restoration Plan (LRP).</p> <p>Compensation will be paid directly to all fishermen/ fishing companies upon submission of the fishing license/permit, tax identification number, and/or other evidence of fishing activities in the affected zone.</p> <p>Compensation will be paid directly into each fishermen’s bank account or into the crew leader’s bank account as the case may be.</p>
	Temporary loss of net income during the Construction phase Payable in cash	Affected fishermen fishing in fishing squares L5, L6, L7, L8, M7, M8, N7, N8	<p>Compensation to cover lost income for the number of months when fishing activities could not be carried out due to temporary exclusion zone, per monthly income as reported by the affected fishermen/fishing companies, backed up by supporting records and validated through the Livelihoods Baseline Survey (LBS) to be carried out as part of the Livelihood Restoration Plan (LRP).</p> <p>Same payment process as above.</p>
Loss, removal, repair or relocation of fishing assets	Based on evidence of damage Payable in cash	Affected fishermen allowed to fish in fishing squares L5, L6, L7, L8, M7, M8, N7, N8	<p>Fishing equipment/assets (e.g. nets) lost or damaged beyond repair due to interaction with construction in non-restricted areas, to be compensated at full replacement value, based on invoices or other documents.</p> <p>Payment of compensation will be subject to a verification that the vessel was where it was claimed to be at the time of the incident, submission of evidence of damage, and evidence that applicable safety rules and restrictions were not breached.</p>

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Assets	Specifications	Eligible displaced people/entities	Entitlements
Livelihood Restoration			
Allowance for fuel to power fishing vessels	Payable in cash	Affected fishermen fishing in fishing squares L5, L6, L7, L8, M7, M8, N7, N8	<p>Applicable to vessels registered in affected Polish ports whose operators can provide substantiated evidence that they have to travel longer distances due to restrictions and exclusions in construction or operations phases (if applicable depending on final restrictions and exclusions as decided by the Maritime Office in Gdynia).</p> <p>One-off allowance.</p> <p>The allowance will be calculated based on results of LBS that will be carried out as part of the LRP.</p> <p>Eligibility criteria for one-off allowance if it is warranted (depending on decisions by Maritime Office in regards of restrictions and exclusions) to be defined out in LRP.</p>
Skills/training	Non-cash benefit	Affected fishermen fishing in fishing squares L5, L6, L7, L8, M7, M8, N7, N8	<p>Skills development training to eligible fishers in view of reconversion into the wind energy sector, using available EU- and Government-sponsored mechanisms meant to facilitate transition of fishers to alternative activities.</p> <p>Skill needs assessment to be carried out as part of the socio-economic survey and LBS.</p> <p>Full list of training opportunities will be provided in the LRP.</p>
Local procurement	Non-cash benefit	Affected fishermen fishing in fishing squares L5, L6, L7, L8, M7, M8, N7, N8	<p>Procure from local affected fishers off-shore services such as e.g guard vessels.</p> <p>Number of vessels that will be required for such services to be assessed by Investor and reflected in LRP.</p>
Vulnerability allowance	Payable in cash	Vulnerable or disproportionately affected fishermen amongst those eligible	<p>Support measures based on socio-economic survey results to be completed as part of the LRP to ensure the affected people are not worse-off compared to the pre-project level. May include priority recruitment of family members in Projects activities and other non-monetary support measures.</p>

7.5 Process towards the Livelihood Restoration Plan

7.5.1 Overview

Per the spirit in Lenders' requirements, the objective of a Livelihood Restoration Plan when a Framework has been prepared before is:

- To elaborate on those measures that could not be described precisely (in this case because the on-going consultation process is not complete - it is not possible to identify all those affected by the Projects among fishing community; consultation with fishermen has not yet taken place);
- To assess impacts more precisely than in the Framework based on a census and socio-economic survey;
- To provide an implementation plan and a budget that the Projects developer commits upon through the public disclosure of the document.

7.5.2 Census and Cut-Off

A census of affected fishers will be conducted in the affected ports over a period not to exceed two weeks in duration. The end-date of this census will serve as "cut-off date" in the sense of international resettlement standards.

The census will include:

- Identification of all vessels fishing in squares L5, L6, L7, L8, M7, M8, N7, N8, and moored and/or registered in the ports of the Projects area, including both professional fishers and recreational fishers (those organising tourist fishing tours for recreation purposes);
- Identification of the owners and crews of these vessels and verification that the vessel is operational at the time of the census;
- Collection and verification of licenses (from the secondary sources);
- Interview with vessel owner, captain, and other crews to ascertain people that are actually affected, as well as dependency on affected fishing grounds.

7.5.3 Livelihoods Baseline Survey

All elements presented in the baseline chapter (chapter 5) of this LRF should be updated prior to the start of construction. This includes, amongst others:

- Baseline information on currently registered vessels in the ports of interest (see section 5.2 and 5.3.2);
- Baseline information on fishing ground and vessel routes (see section 0);
- Baseline information on catches (see section 5.3.4, 5.3.5, and 5.3.6).

In addition, based on the census, a livelihood baseline survey will be conducted to assess the extent of livelihood impacts to vessel owners, captains and crews. This will be based on a questionnaire and will be used to determine the level of dependency of affected people on income derived from fishing. Other skills of affected individuals will be investigated, as well as their willingness to transition to other jobs potentially available in the wind energy sector.

The baseline survey will also be used to determine potentially vulnerable people. In the context of the Projects, vulnerable people may include:

- Unemployed people;

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- People living in poverty (the legal poverty line in Poland is currently (2022) PLN 776 per month for one person-households, and PLN 2,400 per month for four person-households)⁵³;
- Individuals with disabilities;
- Informally employed crew members (to be verified, not found on this stage).

7.5.4 LRP

On the basis of this LRF and additional investigations described above, an LRP will be drafted, including:

- final livelihood restoration measures based on the tentative Entitlement Matrix presented above,
- Implementation arrangements (roles and responsibilities),
- Budget and timeline for implementation,
- Monitoring and evaluation provisions, including internal and external monitoring, with reviews at regular intervals of the progress and compliance of LRP measures implementation by an external party,
- Reporting provisions, with six-monthly internal monitoring reports and reports of external performance and compliance reviews by the external monitor.

7.5.5 Consultation Process

Depending on the timeline for publication of the Code of Good Practices, it is envisioned that the LRP could be disclosed and consulted upon between 3 and 12 months after disclosure of the LRF, and prior to commencement of construction work at sea.

The consultation process for preparation of the LRP will be the following:

- Preparation of the draft LRP and of a short, non-technical summary thereof, which will be used to prepare a user-friendly brochure;
- Disclosure of the draft LRP on Investor's website, on the online portal Bałtyk123.pl, in paper form in the Local Information Point in Łeba and in port captainships, with a notice in the local press that the document is available;
- Consultation meetings in the ports, with the following agenda:
 - Presentation of Projects;
 - Presentation of the LRP process;
 - Presentation of proposed measures in the LRP;
 - Comments from participants and Q&As.
- Finalisation of LRP and disclosure of the final version on Investor's website, on lenders websites as warranted, and locally in paper form.

⁵³ *Poverty in Poland in 2021 and 2022, Statistics Poland, Warsaw 2023*

8 FURTHER STAKEHOLDER ENGAGEMENT

8.1 Stakeholder Identification

8.1.1 Institutional Stakeholders

In recent years, representatives of the following ministries have participated in meetings and discussions with the fisheries sector associated to offshore wind developments:

- Ministry of Infrastructure,
- Ministry of Climate and the Environment,
- Ministry of Culture and National Heritage
- Ministry of Agriculture and Rural Development,
- Ministry of State Assets,
- Ministry of Defence,
- Ministry of Interior and Administration,
- Office of the Prime Minister.

Local authorities at the level of Voivodeship (Pomerania), Communes, and local communities are also important stakeholders.

State monitoring of the quality of surface waters on land, sea and groundwater, soils and sediments as well as selected species and habitats in Natura 2000 areas is conducted by the Chief Inspectorate for Environmental Protection⁵⁴.

8.1.2 Civil Society Organisations

Social organisations representing stakeholders exposed to the negative impacts of the Projects have been identified in the Stakeholder Engagement Plan (SEP):

- National Chamber of Fish Producers (Krajowa Izba Producentów Ryb), Ustka,
- "Łebscy Rybacy" Łeba Fishermen Association,
- Darłowo Local Fisheries Group,
- Local Action Group "Dorzecze Łeby",
- Association of Sea Fishermen (Zrzeszenie Rybaków Morskich), Władysławowo,
- North Kashubian Local Fishery Group (Północnokaszubska Lokalna Grupa Rybacka),
- Central Pomerania Fisheries Group in Ustka ,
- Polish Fishermen Association, Władysławowo,
- Baltic Sea Angling Association (Bałtyckie Stowarzyszenie Wędkarstwa Morskiego in Darłowo,

⁵⁴ <https://www.gov.pl/web/gios-en>

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- Association of Recreational Fisheries Shipowners (Stowarzyszenie Armatorów Rybołówstwa Rekreacyjnego) in Kołobrzeg, Władysławowo, Darłowo and Ustka,
- Commercial and Sport Yacht Owners Association (Stowarzyszenie Armatorów Statków Komercyjno-Sportowych), Kołobrzeg, Ustka, Władysławowo,
- Polish Coastal Fisheries Crisis Staff,
- The Crisis Staff of Polish Fisheries.

8.2 Engagement Plan Going Forward

8.2.1 Short-Term: During Disclosure of the LRF

The LRF will be translated to Polish and disclosed by Equinor/Polenergia on the Projects website. A feedback mechanism shall be put in place to allow stakeholder to provide on-line comments.

During the second or third week of the disclosure period, consultation meetings will be organized for fishermen from Łeba, Ustka and Darłowo, with the following agenda:

- Presentation of Projects;
- Presentation of the LRF / LRP process and how it dovetails (schedule-wise and measure-wise) with the preparation of the Good Practices Code;
- Presentation of tentative recommendations in the LRF;
- Further consultation steps to arrive at the LRP;
- Comments from participants and Q&As.

The grievance mechanism envisioned by the Stakeholder Engagement Plan shall be put in place by the Projects as of the disclosure period as an avenue to gather concerns, comments and complaints.

8.2.2 Mid-Term: During Preparation of the LRP

Depending on the timeline for publication of the Code of Good Practices, it is envisioned that the LRP could be disclosed and consulted upon between 6 and 12 months after disclosure of the LRF.

The consultation process for preparation of the LRP will be the following:

- Preparation of the draft LRP and of a short, non-technical summary thereof, which will be used to prepare a user-friendly brochure;
- Disclosure of the draft LRP on the Projects website, and in paper form in port captainships, with a notice in the local press that the document is available;

Consultation meetings for fishermen from Łeba, Ustka and Darłowo, with the following agenda:

- Presentation of Projects;
- Presentation of the LRP process;
- Presentation of proposed measures in the LRP;
- Comments from participants and Q&As;

Finalisation of the LRP and disclosure of the final version on the Projects website, on lenders websites as warranted, and locally in paper form.

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The grievance mechanism envisioned by the Stakeholder Engagement Plan shall be put in place by the Projects as of the disclosure period as an avenue to gather concerns, comments and complaints.

8.2.3 Mid-Term: Prior to, and During Construction

Upon construction commencement, information and consultation meetings targeting fishermen will be organised again in the three affected ports. The agenda of these meetings will be as follows:

- Safety measures during construction;
- What is allowed and what is prohibited;
- Signalling at sea;
- Emergency situations;
- Comments from participants and Q&As.

A one page illustrated brochure summarising safety measures and signalling provisions will be prepared and disseminated to each vessel and made available in port captainships.

Compliance will be monitored and if breaches of safety measures are observed, refresher sessions will be organised.

8.2.4 Long-Term: Prior to, and During Operations

The same principles will be applied prior to transition into operations and during operations: broad disclosure of safety measures via meetings and illustrated brochures. Monitoring of violations will be used to revisit the information process if needed.

9 ANNEXES

Annex 1 – Danish Summary Guidelines



OFFSHORE WIND AND FISHERIES IN DENMARK

Developing an offshore wind project will necessarily have an impact on the fisheries in the area, and it is, therefore, essential to implement a legal framework. In Denmark, the developer has to consult the local fishermen and discuss potential mitigation measures or financial compensation to the estimated loss of income. Based on documented data, these estimations are initiated during the Environmental Impact Assessment and finalized once the layout is confirmed.

LEGAL FRAMEWORK

The Danish Fisheries Act applies for 'cable protection zones', e.i. the entire wind farm area and on a buffer zone of 200m along each side of the export cable.

According to the Fisheries Act, all fishermen who normally fish in the affected area must be compensated for the loss of income. The Developer has to negotiate compensation with every affected fisherman, and the licence to produce electricity from the offshore wind farm (power plant) can be granted to the Developer only if an agreement has been made with all affected fishermen.

farm area, including the internal grid system, and the export cable corridor. On some projects the export cable is established by the Danish TSO, Energinet.dk which then also handles the compensation agreement with the affected fishermen. If a compensation sum is determined, the sum must be paid by the Concessionaire (and/or Energinet.dk for the export cable corridor).

3. The question of compensation for disturbances to fisheries during the construction phase and for permanent losses, as well as the amount of possible compensation, should be as far as possible determined prior to commencement of offshore construction work.

The Construction Permit granted to the Developer (or Concessionaire) states the following conditions:

1. The Concessionaire must contact the relevant commercial fishermen with a view to organizing the construction activities in a way that does not affect commercial fishing more than necessary.
2. The Concessionaire must contact the commercial fishermen operating in the area with a view to negotiating possible compensation for documented losses under the Fisheries Act [...]. As a general rule, negotiations on compensation are carried out by the Danish Fishermen's Association. However, the Concessionaire should be aware that the Danish Fishermen's Association might not represent all commercial fishermen in the specific area. Any compensation will cover the offshore wind

IMPACT ASSESSMENT

An impact assessment on commercial fisheries is prepared as part of the Environmental Impact Assessment (EIA) of the predetermined offshore wind site. In the Danish model, the EIA is undertaken simultaneously with the tendering process and is therefore based on a project-envelope (Rochdale envelope) including the worst-case scenario.

The analysis is based both on existing data from the Danish Fishery Agency - such as log book data (catches per area), Vessel Monitoring System information, etc. - and on interviews of local fishermen. It aims at determining the kind of fishing activities carried out in the area, the most important commercial fish species, their yearly distribution, etc. The potential impacts during the construction and operation phases are then assessed. However, the final estimates of loss and economical compensation to fishermen shall only be made once the wind farm layout has been finalized.

Source: Danish Energy Agency,

https://ens.dk/sites/ens.dk/files/Globalcooperation/offshore_wind_and_fisheries_in_dk.pdf

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Hence, as a second step, an independent consultant is hired by the developer after the tendering process to estimate the level of compensation that should be provided to the fishermen. The investigation scope and methods are agreed in cooperation with the Danish Fishermen's Association.

The Developer, the Danish Fishermen's Association and the Danish Fishery Agency finally review and agree on the report.

NEGOTIATION

The compensation should be paid for **documented losses** with, for example, two- to ten-year data.

The Danish Fishermen's Association and the Developer usually negotiate together, and the Danish Fishermen's Association should involve the relevant local organisations. However, an individual fisherman can also decide to negotiate alone by him/herself, and the Developer is obliged to enter into negotiation.

A voluntary agreement can also be made between the parties: for example, Energinet.dk has made a voluntary agreement with the Danish Fishermen's Association to allow bottom trawling fishing over the export cable connecting the Horns Rev 2 offshore wind farm to shore on the Danish westcoast. Thanks to this voluntary agreement, no compensation has been paid.

Other mitigation measures can smooth the negotiation process, such as:

- Limiting the exclusion areas by dividing the construction area into different phases;
- Providing substitute revenues by including some fishing vessels or fishermen in the construction and operation of the offshore wind farm, e.g. as guard vessels;
- Allowing fishing with static gear inside the wind farm.

Compensation can be provided for the following impacts:

Pre-investigation phase

- Temporary removal of fishing gear.
- Temporary suspension of fishing activities on areas where e.g. geotechnical surveys are conducted.

Construction phase

- Suspension of all fishing activities from the construction area.

Operational phase

- Potential suspension of some fishing activities within the wind farm (usually around the inter-array and export cables, which are protected by the Cable Executive Order (BEK nr 939 af 27/11/1992)).
- Longer distances to sail to new fishing areas.

Learn more on our website:

<https://ens.dk/en/our-responsibilities/global-cooperation>

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Annex 2 – List of documents used

Documents received from the Projects:

- Project Information Card for O&M Base in Łeba (Karta Informacyjna Przedsięwzięcia: Rozbudowa, przebudowa budynku magazynowego i zmiana sposobu użytkowania z funkcji magazynowej na funkcję usługową oznaczonego 1 oraz budowa budynku magazynowego oznaczonego 2 wraz z przebudową istniejącego nabrzeża ul. Jachtowa, 84-360 Łeba – projekt kwiecień 2024, oprac. IN-GEO, M. Puchniarz, M. Blockus
- Environmental Impact Assessment Report for changing the environmental decision, Offshore Wind Farm OWF BAŁTYK II, Kancelaria Radców Prawnych Otawski Dziura Jędrzejewski i Troszyński, 2021 (EIA Report, 2021)
- Environmental Impact Assessment Report for changing the environmental decision, Offshore Wind Farm OWF BAŁTYK III, Kancelaria Radców Prawnych Otawski Dziura Jędrzejewski i Troszyński, 2022 (EIA Report, 2022)
- Environmental Impact Assessment Report for External Connection Infrastructure of the MFW Bałtyk II and MFW Bałtyk III, EKO KONSULT, 2023 (EIA Report 2023)
- Navigational Expertise for the External Connection Infrastructure of the offshore wind farms MFW Bałtyk II and MFW Bałtyk III (annex 3 to EIA Report, 2023) by Marek Reszko, May 2022
- Stakeholder Engagement Plan for the for the Offshore Wind Farms (OWF) MFW Bałtyk II and MFW Bałtyk III, 14 November 2022, hereinafter referred to as: SEP, 2022, revised in 2024
- Summary of the education and social communication campaign for the OWF Bałtyk Środkowy III project along with the connection infrastructure, Fundacja na rzecz Energetyki Zrównoważone, November 2015
- Conditions of coexistence in Polish maritime areas of offshore wind farm projects and accompanying offshore transmission infrastructure and fisheries management, Morski Instytut Rybacki – Państwowy Instytut Badawczy, Gdynia, 01.04.2022
- Statistical Yearbook of Maritime Economy, Statistics Poland, Statistical Office in Szczecin, 2023
- Poverty in Poland in 2021 and 2022, Statistics Poland, Warsaw 2023
- Summary of applications for the draft spatial development plan for Polish maritime areas on a scale of 1:200,000 (400 pages)

Public Internet sources:

- 2030 Climate Target Plan (europa.eu)
- REPowerEU (europa.eu)
- Tłumaczenie_EN_-_final_Polish_Offshore_Wind_Sector_Deal (3).pdf
- <https://www.gov.pl/web/klimat/podpisano-porozumienie-sektorowe-na-rzecz-rozwoju-morskiej-energetyki-wiatrowej-w-polsce>
- <https://www.gov.pl/web/morska-energetyka-wiatrowa/czym-jest-porozumienie-sektorowe>
- <https://www.gov.pl/web/morska-energetyka-wiatrowa/strony-porozumienia-sektorowego>
- <https://www.gov.pl/web/morska-energetyka-wiatrowa/grupy-robocze>
- Polityka energetyczna Polski do 2040 r. - Ministerstwo Klimatu i Środowiska - Portal Gov.pl (www.gov.pl)
- kpowm-2016.pdf (kzgw.gov.pl)
- projekt-apowm-20210629-v1.00.pdf (imgw.pl)
- O programie - Ministerstwo Funduszy i Polityki Regionalnej (rybactwo.gov.pl)
- https://ens.dk/sites/ens.dk/files/Globalcooperation/offshore_wind_and_fisheries_in_dk.pdf

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- 1.7 Trwałe zaprzestanie działalności połowowej - złomowanie albo przekwalifikowanie statku rybackiego - Ministerstwo Funduszy i Polityki Regionalnej (funduszeuropejskie.gov.pl) ,
- Działanie 1.7 Trwałe zaprzestanie działalności połowowej - złomowanie lub przekwalifikowanie statku rybackiego - Ministerstwo Funduszy i Polityki Regionalnej (rybactwo.gov.pl)
- lista rankingowa 1.7 złomowanie 2024-02-13.xlsx (funduszeuropejskie.gov.pl)
- Kategorie planów morskich » Projekt planu zagospodarowania przestrzennego Polskich Obszarów Morskich w skali 1:200000 (umgdy.gov.pl)
- Spotkanie w sprawie rybołówstwa (umgdy.gov.pl)
- https://www.umgdy.gov.pl/plan_morski/spotkanie-branzowe-w-sprawie-ruchu-jednostek-plywajacych-przez-obszar-farm-wiatrowych/
- HELCOM
- Baltic-Sea-Action-Plan-2021-update.pdf (helcom.fi)
- Baltic Sea: Council agrees catch limits for 2024 - Consilium (europa.eu)

Legal basis:

- Act on preparing and developing strategic projects related to transmission grids of July 24, 2015 (“Transmission Act”) (Journal of Laws 2024, item 555, consolidated text)
- Act on promoting electric energy production in offshore wind farms of December 17, 2020 (“Offshore Act”) (Journal of Laws 2024, item 182, consolidated text)
- The maritime spatial plan for the internal marine waters, the territorial sea and the Exclusive Economic Zone (EEZ) at a scale of 1:200 000, adopted by the Council of Ministers on April 14, 2021 (Journal of Laws 2021, item 936)
- Announcement of the Minister of Climate and Environment of March 2, 2021 on the state energy policy until 2040. (Official Gazette 2021, item 264)
- Act of October 3, 2008 on the provision of information on the environment and its protection, public participation in environmental protection and on environmental impact assessments (Journal of Laws 2023, item 1094, consolidated text)
- Act of April 16, 2004 on nature protection (Journal of Laws 2023, item 1336, consolidated text)
- Act of August 18, 2011 on maritime safety (Journal of Laws 2023, item 1666, consolidated text)
- Act of July 20, 2017 Water law (Journal of Laws 2023, item 1478, consolidated text)
- Act of 21 March 1991 on maritime areas of the Republic of Poland and maritime administration (Journal of Laws 2023, item 960, consolidated text)
- Act of 7 July 1994 Construction law (Journal of Laws 2024, item 725, consolidated text)
- Regulation of the Council of Ministers of December 11, 2017 on the adoption of the National Marine Water Protection Program (Journal of Laws 2017, item 2374)
- United Nations Convention on the Law of the Sea (UNCLOS) (Journal of Laws 2002, no. 59, item 543)
- The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed on 25 June 1998 (Journal of Laws 2003, no. 78, item 706)
- The UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) (Journal of Laws 1999, no. 96, item 1110)
- Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164/19, 25.6.2008)

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- Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information. (OJ L 41/26, 14.2.2003)
- Directive 2014/89/EU establishing a framework for maritime spatial planning (OJ L 257/135, 28.8.2014)
- Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26/1, 28.1.2012)
- Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197/30, 21.7.2001)
- Directive 92 /43 /EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206/7, 22.7.1992)
- Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20/7, 26.1.2010)

Environmental decisions:

- Decision of November 29, 2023 on environmental conditions for a project: "Grid connection infrastructure of the MFW Bałtyk II and MFW Bałtyk III offshore wind farms", issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-W00.420.40.2022.AM.32)
- Decision of March 27, 2017 on environmental conditions for a project: "Construction of the Polenergia Bałtyk II offshore wind farm", issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-W00.4211.26.2015.KSZ.20)
- Decision of October 26, 2021 to change the decision on environmental conditions for a project: "Construction of the Bałtyk II offshore wind farm", issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-W00.420.3.2021.KSZ.14)
- Decision of November 7, 2016 on environmental conditions for a project: "Construction of the Bałtyk Środkowy III offshore wind farm", issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-W00.4211.12.2015.KP.22)
- Decision of November 8, 2022 to change the decision on environmental conditions for a project: "Construction of the Bałtyk Środkowy III offshore wind farms", issued by the Regional Director for Environmental Protection in Gdansk (RDOŚ-Gd-W00.420.41.2022.AM.6)

Projects permits

- Decision No. MFW/2/13 of the Minister of Transport, Construction and Maritime Economy of January 15, 2013 - permission to erect and use artificial islands, structures and devices in the Polish maritime areas for the project entitled: "Bałtyk Środkowy II Offshore Wind Farm", amended by the Decision of the Minister of Transport, Construction and Maritime Economy No. MFW/2a/13 of April 29, 2013 and by the Decision of the Minister of Infrastructure of February 16, 2024 (reference number DGM-3.530.53.2023)
- Decision No. MFW/2/12 of the Minister of Transport, Construction and Maritime Economy of March 30, 2012 - permission to erect and use artificial islands, structures and devices in the Polish maritime areas for the entitled: "Bałtyk Środkowy III Offshore Wind Farm", amended by the decision of the Minister of Maritime Economy and Inland Navigation of April 25, 2017 and by the Decision of the Minister of Infrastructure of February 16, 2024 (reference number DGM-3.530.52.2023)
- Decision of March 7, 2024 on determining the location of the investment in the scope of a set of devices used to extract power from the OWF Bałtyk II Offshore Wind Farm - section of onshore connection infrastructure", issued by the Pomeranian Voivode (WI-III.747.1.7.2024.AM)
- Decision of March 7, 2024 on determining the location of the investment in the scope of a set of devices used to extract power from the OWF Bałtyk III Offshore Wind Farm - section of onshore connection infrastructure", issued by the Pomeranian Voivode (WI-III.747.1.4.2024.EB)
- Decision of February 12, 2024 on determining the location of the investment in the scope of a set of devices used to extract power from the OWF Bałtyk II Offshore Wind Farm - section of onshore connection

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infrastructure” – it concerns the construction of the ONS and fragments of electricity transmission lines with accompanying infrastructure, issued by the Pomeranian Voivode (WI-III.747.1.39.2023.AM)

- Decision of February 12, 2024 on determining the location of the investment in the scope of a set of devices used to extract power from the MFW Bałtyk III Offshore Wind Farm - section of onshore connection infrastructure” – it concerns the construction of the ONS and fragments of electricity transmission lines with accompanying infrastructure, issued by the Pomeranian Voivode (WI-III.747.1.36.2023.EB)