

**Comments
of the Republic of Poland**

**with regard to the subtopic of sea-level rise in relation to the law of the sea
(of the topic of sea-level rise in relation to international law), being a subject of the work
of the International Law Commission**

In response to the (a) question of examples of practice relating to the updating, and frequency of updating, national laws regarding baselines used for measuring the breadth of maritime zones; practice relating to the frequency of updating national maritime zone notifications deposited with the Secretary-General of the United Nations the Republic of Poland submits that Polish law regulates the issue of baseline used for measuring the breadth of maritime zones. Article 5 section 2 of the Act on the maritime areas of the Republic of Poland and maritime administration (Journal of Laws of 2022, item 457); (*Pl. ustawa o obszarach morskich Rzeczypospolitej Polskiej i administracji morskiej (Dz. U. z 2022 r. poz. 457, z późn. zm.)*) states that the baseline of the territorial sea is a line connecting the relevant points determining the lowest water level along the coast or other points designated in accordance with the rules specified in the United Nations Convention on the Law of the Sea of 1982¹.

The exact course of the baseline, the external border of the territorial sea as well as the external border of the marine contiguous zone of the Republic of Poland are settled in the regulation of the Council of Ministers on the exact course of the baseline, the external border of the territorial sea and the external border of the marine contiguous zone of the Republic of Poland (Journal of Laws of 2017, item 183); (*Pl. rozporządzenie Rady Ministrów w sprawie szczegółowego przebiegu linii podstawowej, zewnętrznej granicy morza terytorialnego oraz zewnętrznej granicy strefy przyległej Rzeczypospolitej Polskiej z dnia 13 stycznia 2017 r. (Dz. U. z 2017 r. poz. 183)*).

The course of the baseline was determined on the basis of the lowest level of water measured along the entire length of the Polish coast of the Baltic Sea, excluding the waters of the Gulf of Gdańsk². Such a regulation remains in line both with Article 5 of the United Nations Convention on the Law of the Sea and with the abovementioned Act on the maritime areas of the Republic of Poland and maritime administration.

According to the evaluation of 1994 prepared by the Institute of Meteorology and Water Management, entitled "Lowest levels of sea level along the Polish coast", the lowest water level for the Polish coast was assumed to be "-1.6 m". Acting in compliance with this assumption, Polish maritime offices and the Hydrographic Office of the Polish Navy determined the coordinates of the baseline points on the basis of measurements made in the GRS80h geodetic coordinate system using the PL-ETRF89 reference system.

¹ This provision has not been amended since its entry into force as there has been no perceived need for an amendment.

² These provisions have not been amended since its entry into force as there has been no perceived need for an amendment.

As an answer to the (b) request for examples of practice relating to the updating, and frequency of updating, charts on which baselines and outer limits of the exclusive economic zone and of the continental shelf are drawn, as well as lists of geographical coordinates prepared in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and/or national legislation, including those which are deposited with the Secretary-General of the United Nations and given due publicity; examples of practice relating to updating, and frequency of updating, navigational charts, including for purposes of evidencing changes of the physical contours of the coastal areas the Republic of Poland informs that in case of maritime spatial planning, which means in practice a planning and spatial development of maritime areas of internal waters, territorial sea and the exclusive economic zone, the issue of any possible changes in the course of the baseline of the territorial sea and the boundaries of maritime areas is regulated by Article 37i of the Act on sea areas of the Republic of Poland and maritime administration. Specifically, if, as a result of an amendment in law, it is necessary to change the maritime spatial plan, such a change is to be made to the necessary extent and no later than within 6 months from the entry into force of the amended legal provision.

As regards the charts, the Hydrographic Office of the Polish Navy, responsible, *inter alia*, for preparing and publishing of nautical charts, has not found it necessary to amend relevant nautical charts due to sea-level rise for now.

With reference to the (c) question of examples of the taking into account or modification of maritime boundary treaties due to sea-level rise the Republic of Poland does not consider modifying of maritime boundary treaties due to sea-level rise for now.

Considering (d) information on the amount of actual and/or projected coastal regression due to sea-level rise, including possible impact on basepoints and baselines used to measure the territorial sea the Republic of Poland notes, on the basis of the multiannual observations carried out by the Institute of Meteorology and Water Management, that long-term sea level rise on the Polish coast of the Baltic Sea is relatively small, reaching a few centimeters per year. There are also some periods of even smaller sea-level rise when the observed average long-term sea level (MSL) (calculated for a period of 19 years) for individual water gauge stations is slightly lower.

In Poland the impact of sea-level rise on the baseline of the territorial sea is being monitored through regular checkups conducted by the state of water along the coast (in water gauge stations). A possible necessity of modifying a course of the baseline may be determined based on such readings of water gauge stations. Relevant maritime administration units have not noted such a necessity for now.

In order to submit (e) information on existing or projected activities related to coastal adaptation measures in relation to sea-level rise, including preservation of basepoints and baselines the Republic of Poland informs that the coastline is under constant monitoring

system, with special regard to these parts where the inland encroachment of the Baltic Sea is visible. In particular during storms there is a threat of damaging the dunes and cliffs on the coast. Maritime offices take steps to prevent this process and in order to protect the most vulnerable and endangered sections of the sea shore from degradation (by the use of stone bands, spur systems and artificial power supplies to the beaches).