REGIONAL DIRECTOR FOR ENVIRONMENTAL PROTECTION IN SZCZECIN

Szczecin, 21 July 2025

WONS.420.20.2020.KK.59

DECISION No. 15/2025

The provisions of Art. 104 and Art. 155 of the Act of 14 June 1960, The Code of Administrative Procedures (Journal of Laws 2024, item 572, as amended), hereinafter referred to as the CAP, Art. 75 par. 1 item 1 letter p, as well as Art. 82, Art. 85 and Art. 87 of the Act of 3 October 2008 on providing information on the environment and its protection, public participation in environmental protection and on environmental impact assessments (Journal of Laws 2024, item 1112, as amended), hereinafter referred to as the EIA Act, after considering the application to amend the decision on environmental conditions No. 14/2021 issued for the project consisting in the construction of the FEW Baltic II offshore wind farm, filed by RWE Offshore Wind Poland Sp. z o. o., through Mr. Juliusz Gajewski, on 21 June 2024,

I hereby order

to amend Decision No. 14/2021 on environmental conditions of 30 November 2021, reference number: WONS.420.20.2020.KK.30, issued for the project consisting of the **construction of the FEW Baltic II offshore wind farm**, as follows:

1. **Item A of the aforementioned decision shall read:**

The planned project consists of the construction of the FEW Baltic II offshore wind farm, with a capacity of up to 440 MW. The project will be implemented in the Polish Exclusive Economic Zone ("EEZ"), approximately 55 km from land, near the Ustka commune (Pomeranian Voivodeship), with the shortest distance from the FEW Baltic II border to the Polish coastline equal to approximately 51.2 km. The planned investment will be situated in the central part of the Southern Baltic Sea, at the foot of the northern slopes of the eastern part of the Słupsk Bank.

The FEW Baltic II OWF will include the following:

- up to 25 offshore wind turbines;
- inter-array power and telecommunications network, which will consist of subsea cables connecting the WTGs with one another and groups of WTGs with the offshore substation, with a maximum length of up to 60 km;
- offshore substation.

The FEW Baltic II offshore wind farm does not include the infrastructure for transmitting electricity generated by the farm to land.

The project aims to generate electricity from a renewable energy source, wind power, and then transmit it via a transmission cable to land, ultimately to the National Power System (NPS).

2. Delete point **B.I.1.1.c)** of the aforementioned decision.
3. Delete point **B.I.1.1.e)** of the aforementioned decision.

4. Delete point **B.I.1.1.2** of the aforementioned decision.
5. Delete point **B.I.1.1.3** of the aforementioned decision.
6. Point **B.I.1.1.5** of the aforementioned decision shall read:
   No strong light should be used from dusk till dawn, including upward-directed light, except for light required for safety purposes or under OHS regulations.
7. Delete point **B.I.1.1.11** of the aforementioned decision.
8. Delete point **B.I.1.1.12** of the aforementioned decision.
9. Delete point **B.I.1.1.13** of the aforementioned decision.
10. Delete point **B.I.2.10** of the aforementioned decision.
11. Delete point **B.I.2.16** of the aforementioned decision.
12. Point **B.I.2.17** of the aforementioned decision shall read:
    To minimise the Investment's impacts during the piling procedure on ichthyofauna and seabirds, and marine mammals:
    a) each time when starting a piling operation, it should begin with the "soft start" procedure, which involves making several blows with a smaller blow force and gradually increasing the blow force and, consequently, gradually increasing the noise intensity. The piling power must increase gradually over several minutes. After this time, the procedure should be continued to drive the pile up to the target depth with standard piling power;
    b) measures should be applied to deter marine mammals along with a marine mammal observation program (MMOs and PAM);
    c) an underwater noise reduction system should be designed and applied (e.g. in the form of bubble curtains, double bubble curtains, AdBM technologies, HSD systems, IQIP-NMS/IHC-NMS, or a combination of the above-mentioned mitigation measures, also in combination with pile driver attachments in the form of PULSE or MNRU systems or other systems showing similar features), which will minimise the underwater noise impact on pinnipeds and porpoises. The underwater noise reduction system should ensure that at a distance of 8 km from the source of sound and within the boundaries of Natura 2000 sites established to protect porpoises and seals (the nearest ones are the Swedish Natura 2000 site Hoburgs bank och Midsjöbankarna SE0330308 located at a distance of approx. 28 km and the Ostoja Słowińska PLH220023 located at a distance of approx. 48 km from the Investment area) the underwater noise generated does not exceed the maximum underwater noise levels: SEL_{cum} = 140 dB re 1 μPa^2s and weighted with the HF function (the HF weighting function for marine mammals highly sensitive to high-frequency sounds – porpoises) and SEL_{cum} = 170 dB re 1 μPa^2s and weighted with the PW function (the PW weighting function for pinnipeds – seals). If sound measurements show that the said thresholds are exceeded, pile driving should be stopped. This should be immediately, but no later than within 7 days from the incident occurrence, notified to the locally competent regional director for environmental protection. The procedure can be continued after relevant measures agreed on in writing with the regional director for environmental protection, and ensuring that the sound thresholds are not exceeded have been implemented;
    d) the piling procedure within the FEW Baltic II OWF area, consisting in driving foundation piles into the seabed, should be carried out to take into account, before the works are commenced, the piling procedures in the areas of other planned OWFs in the immediate vicinity of the Słupsk Bank so that no more than two piling procedures are carried out at the same time.
13. Point **B.I.2.18** of the aforementioned decision shall read:
    The construction works for individual stages of WTG installation should be carried out gradually in order to limit the area of the work performance, i.e. adjoining WTGs should be constructed one by one, starting in one location, so that the area gradually becomes built up with

the structures. At the same time, sequential work performance is admitted, with a division into the construction stages, i.e. installing in the first place the foundations for all WTGs, followed by the towers of all WTGs, the installation of nacelles and rotors, and so on until all the works are completed.

14. Delete point **B.I.2.19** of the aforementioned decision.
15. Delete point **B.I.2.20** of the aforementioned decision.
16. Delete point **B.I.3.3** of the aforementioned decision.
17. Delete point **B.I.3.4** of the aforementioned decision.
18. Delete point **B.I.3.5** of the aforementioned decision.
19. Point **B.I.3.6** of the aforementioned decision shall read:
The Investment area should be documented with bathymetric plans of the sea basin, underwater survey certificates and seabed survey reports in accordance with the applicable regulations.
20. Point **B.I.3.7** of the aforementioned decision shall read:
Bird flights across the OWF area should be continuously recorded using a flight intensity monitoring system, employing at least a radar system or another system characterised by detection efficiency no worse than that of a radar system, which automatically detects the flight paths and assigns information making it possible to define the sizes of birds flying in the area and their flight parameters, i.e. the altitude, speed, and course of the flight paths. The system should allow for detecting and identifying the flights of the common crane and nocturnal migrants.
21. Point **B.I.3.8** of the aforementioned decision shall read:
The OWF should be provided with a bird flight monitoring system and a shut-down/speed reduction system for individual WTGs along the flight paths, which will be started up when the flights of the common crane or nocturnal migrants are detected.
Individual WTGs should be temporarily shut down or have their speed reduced, and if this cannot be done, these measures should apply to the entire OWF:
a) in the periods of the most intense and peak seasonal migrations of nocturnal migrants at collision altitudes (i.e. between 15 March and 30 April and between 1 September and 31 October, with particular consideration given to unfavourable weather conditions);
b) in the case of the common crane flying at collision altitudes.
The flight intensity should be determined based on the indications of the flight intensity monitoring system, in particular as regards nocturnal migrants and the common crane.
22. Point **B.I.4.2** of the aforementioned decision shall read:
The Investment area should be documented with bathymetric plans of the sea basin, underwater survey certificates and seabed survey reports in accordance with the applicable regulations.
23. Point **B.II.2** of the aforementioned decision shall read:
Use WTGs with a solid structure that meet the following parameters:
- the maximum total height of WTGs: 327 m;
- the minimum clearance between the lower position of a WTG blade and the water surface: 22 m;
- the maximum rotor diameter: 305 m.

24. Point **B.II.5** of the aforementioned decision shall read:
It is permissible to use scour protection for the seabed surface around the structure or to distribute natural material obtained during the construction process over a total area not exceeding 50,700 m^2.
25. Point **B.II.7** of the aforementioned decision shall read:
Include in the design the need to implement a bird migration monitoring system that allows:
a) temporary, remote shut-down/reduction of the speed of individual wind turbines or the entire wind farm, with particular consideration given to weather conditions causing

limited visibility during the period of the most intense migration of nocturnal migrants, i.e. from 15 March to 30 April and from 1 September to 31 October;

b) (b) temporary remote shutdown/reducing the activity of individual wind turbines when flying cranes are detected.

The system should ensure continuous observation and recording of a flux of birds migrating through the OWF area and immediate shut-down/reduction of the speed of WTGs along the route of the expected flight of nocturnal migrants and cranes, with an increased collision risk for the migrants – by automatically detecting the movement of birds and automatically assigning information to determine the size of the flying birds and their flight parameters (altitude, speed, and the course of the flight route). The proposed system of temporary shut-down/reduction of the speed of FEW Baltic II wind turbines should be optimised through the introduction of an automatic system for monitoring of migrating bird collisions with the use of at least a radar system or any other system showing at least the same effectiveness of detection as the radar system, which will allow precise, real-time assessment of the necessity, scope and timing of its application, as well as the identification of specific WTGs, the operation of which would require a short-term suspension of operation.

26. Point **B.III.2** of the aforementioned decision shall read:
An underwater noise reduction system should be used during the piling procedure pursuant to clause B.I.2.17. (the wording consistent with the amending decision).

27. Point **B.III.3** of the aforementioned decision shall read:
Before the piling works are commenced, a mitigation plan as regards the porpoise should be developed and implemented, which will propose the solutions ensuring a noise reduction to a level not exceeding SELcum =140 dB re 1 μPa2s at a distance of 8 km from the source of sound and within Natura 2000 sites established to protect porpoises, along with defining the survey locations, a definition of exceeding the maximum sound level, the time when operations should be discontinued, and specific mitigation measures allowing for not exceeding the above-mentioned boundary noise limit.

28. Point **B.III.4** of the aforementioned decision shall read:
The following mitigation measures, compliant with the guidelines of the German Federal Maritime and Hydrographic Agency (BSH) (2019), should be implemented by way of:

- applying the pile-driving methods with the lowest mechanical wave emissions;
- forecasting noise emissions during pile-driving. At the current stage of works, it is mainly possible by way of applying numerical models using empirical data obtained during the surveys conducted as part of analogous investments in other sea areas;
- applying deterrent measures to disperse marine mammals before piling;
- reducing hammer energy;
- satisfying the hammer operation requirements (high frequency – low energy);
- applying technical systems for noise reduction at a sufficient distance from the piling site (e.g. bubble curtains);
- monitoring the effectiveness of noise mitigation measures, including real-time monitoring of SEL to operate the hammer on site so that the noise emission thresholds are not exceeded within the work performance site and in the nearest Natura 2000 site;
- following the strict procedures for reporting the monitoring results to competent authorities and agencies (HELCOM).

29. Point **B.IV.3.1.a)** of the aforementioned decision shall read:
Monitoring of seawater and seabed sediment quality

Pre-investment monitoring of water and seabed sediment quality should be performed, i.e. during the winter period, before the construction work is commissioned, a one-time study of water and sediment quality should be conducted, taking into account the following hydrochemical parameters: oxygen conditions (dissolved oxygen), total organic carbon (TOC), acidity (pH) and concentration of nutrients (ammonium nitrogen, nitrate nitrogen, total nitrogen, mineral nitrogen, phosphates, total phosphorus), water turbidity, total suspended solids, as well as the concentration in water and seabed sediments of harmful substances, such as: mercury, heavy metals, phenols, mineral oils, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). The surveys are to be carried out at 20 locations within the FEW Baltic II area.

30. Delete point **B.IV.3.1.b)** of the aforementioned decision.

31. Point **B.IV.3.1.c**) of the aforementioned decision shall read:

Monitoring of marine mammals

The monitoring aims to identify the presence of marine mammals (porpoises) and assess the impact of the investment on the above-mentioned group of animals. Passive acoustic monitoring of the porpoise should be carried out using autonomous harbour porpoise click detectors. At least three detectors of clicks emitted by porpoises should be placed near the FEW Baltic II area during the construction phase. Additionally, three automatic porpoise click detectors should be installed in two different reference areas, located at least 20 km from the source of impact (i.e. within the range of the behavioural response to pile driving). The monitoring should start no later than 6 months before the commencement of the construction and continue throughout its implementation. Monitoring should also take into account the issue of transboundary impacts.

32. Point **B.IV.3.1.d**) of the aforementioned decision shall read:

Noise monitoring:

Underwater noise measurements should be carried out using autonomous survey buoys equipped with an omnidirectional hydrophone to record underwater sounds in the frequency range from 10 Hz to 20 kHz. Construction noise measurements (included in the scope of work for the foundation elements) should be carried out at the stage of piling. The survey stations, i.e. the positions of buoys measuring underwater noise, should be determined in such a way as to assess the level of underwater noise at the boundary of the nearest Natura 2000 sites, i.e. the Swedish site Hoburgs Bank och Midsjöbankarna SE0330308 and the Polish site Ostoja Słowińska PLH220023, in which the object of conservation is the harbour porpoise (at least 2 stations in total), within the FEW Baltic II area including a 5 km buffer zone (at least 4 stations) and at a distance of 8 km from the sound source in the main direction of propagation (with at least 1 station monitored in real time), in accordance with the guidelines of the Bundesamt fur Seeschifffahrt und Hydrographie, 2013 on how to perform and interpret measurements, while maintaining the locations of the survey stations described above. In addition to detecting any cases of exceeded permissible underwater noise levels, the monitoring is also aimed at detailing the models and verifying the degree of impact of anthropogenic noise from the Investment on marine fauna, using the implemented underwater noise reduction system, as well as ensuring that noise levels are reduced so that within 8 km from their source and within the boundaries of Natura 2000 sites designated for the protection of porpoises, the maximum underwater noise level SELcum = 140 dB re 1 µPa2s and weighted by the HF function is not exceeded.

33. Point **B.IV.3.2.a)** of the aforementioned decision shall read:

Monitoring of seawater and seabed sediment quality

Before the work is commenced, and next in the fifth and tenth year after the start of the operation stage, depending on the results of the first series of surveys described, the hydrochemical parameters of water should be measured, including dissolved oxygen, total organic carbon

(TOC), acidity (pH), nutrients (ammonium nitrogen, nitrate nitrogen, total nitrogen, mineral nitrogen, phosphates, total phosphorus), water turbidity, and total suspended solids.

Before the work is commenced, and next in the fifth and tenth year after the start of the operation stage, depending on the test results, the concentrations of harmful substances in water and seabed sediments should be measured, including mercury, nickel, lead, cadmium, arsenic, total chromium, chromium (VI), zinc, aluminium, phenols, mineral oils, polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), TBT, and TOC. The tests are to be conducted at 20 locations within the FEW Baltic II area. If significant changes in the levels of the pollutants monitored are observed, the necessity for possible further monitoring and its scope should be agreed with the Regional Director for Environmental Protection in Szczecin.

34. Point **B.IV.3.2.b)** of the aforementioned decision shall read:

Benthos monitoring:

The monitoring should cover the following elements of benthos communities:

- periphytic flora and fauna.

During the surveys of the periphytic flora and fauna, a video and photographic documentation should be made of the entire vertical plane of the foundation or support structure (for at least 3 such structures) overgrown by macroalgae and periphytic fauna. Samples should be taken from a specific area to study the taxonomic composition and biomass of the periphytic flora and fauna. The samples should be collected starting at the water surface and proceeding down to the depth of the maximum recorded occurrence of the periphytons, at individual depths, at a maximum interval of 2 m. During the monitoring, special attention should be paid to invasive species. The surveys of periphytic flora and fauna should be carried out in accordance with the methodology presented in the methodical guide on macroalgaeand angiosperms ["Makroglony i okrytozalążkowe", in Polish, Kruk-Dowgiałło L. et al, (in:) – "Przewodniki metodyczne do badań terenowych i analiz laboratoryjnych elementów biologicznych wód przejściowych i przybrzeżnych", 2010).

- macrozoobenthos

In the vicinity of a single foundation or support structure of an offshore wind turbine generator, 6 stations need to be selected for macrozoobenthos monitoring, including 3 stations on the transect of the main profile (in the axis of the near-seabed current) at the distances of 20, 50, and 100 m from the foundation or support structure, and 3 stations on a transect perpendicular to the main profile (a reference profile) at the same distances. Macrozoobenthos surveys should be conducted in accordance with the current methodologies adopted by the Baltic Marine Environment Protection Commission (Helsinki Commission – HELCOM).

The benthos surveys are to be conducted on at least 3 foundations or support structures of offshore wind turbine generators, including turbines constructed at different stages and located in different parts of the FEW Baltic II area. The monitoring is targeted to study the colonisation of artificial hard substrates by animal and plant periphyton communities. The first benthic surveys should be conducted after at least 3 months have elapsed since the completion of the offshore wind turbine selected for monitoring. Subsequent surveys are to be performed once in June, 2 and 4 years after the first survey. The last survey should take place one year before the planned dismantling of the offshore wind turbine generator.

35. Point **B.IV.3.2.c)** of the aforementioned decision shall read:

Monitoring of ichthyofauna

The monitoring aims to identify the impact of the Investment on on ichthyofauna.

Periodic monitoring of ichthyofauna should be conducted, which should be correlated with the surveys of benthic communities developed on the "artificial reef". To ensure the comparability of the results, the monitoring should be conducted following the methodology adopted for the

pre-investment monitoring, i.e. using the same locations, the same survey equipment and the same frequency of surveys to the extent possible. The surveys should be conducted immediately after the OWF construction is completed, and then six years following the structure installation. Moreover, as part of the monitoring, at the same locations and with the same frequency, ichthyoplankton sampling should be conducted in accordance with the methodology recommended by the Food and Agriculture Organisation of the United Nations (FAO) (Smith and Richardson, 1977).

36. Point **B.IV.3.2.e**) of the aforementioned decision shall read:

Migratory bird monitoring

The monitoring of migratory birds should be conducted using simultaneous visual and radar observations to identify flight trajectories (including altitude), reaction, and species, as well as acoustic surveys conducted at night. As part of radar surveys of migratory birds, the flight trajectories of birds flying towards the OWF and their reaction to encountering a barrier in the form of the OWF should be determined, and the intensity of migration in the OWF area and in its immediate vicinity should be assessed. The migratory bird survey stations are to be located on a fixed platform (such as a substation) or an anchored vessel, which allows observation of the OWF from the direction from which birds are coming at a given stage of migration (in spring, the south-western side of the OWF, and in autumn, the north-eastern side of the OWF). Conduct the migratory bird monitoring in the first and second year following the completion of the FEW Baltic II construction.To collect data taking into account the migration corridor shared by the FEW Baltic II and the Bałtyk II OWF, the third year of the monitoring should be planned as the year after the Bałtyk II OWF is put into operation, or in the fifth year after the construction of FEW Baltic II if the Bałtyk II OWF is not put into operation in 3 to 5 years from the construction of the FEW Baltic II. In each of the bird migration seasons, complete no less than 20 days of observations in 2–5 day sessions, evenly distributed throughout the season.

37. Point **B.IV.3.2.f)** of the aforementioned decision shall read:

Bird mortality/collision rate

The monitoring aims to examine the actual level of mortality among migratory birds, with particular emphasis on the objects of conservation in the Natura 2000 SPAs, during nocturnal and diurnal migrations of birds. The monitoring should continue for 4 years, during seasonal spring migrations (from the beginning of March to the end of May) and autumn migrations (from the beginning of July to the end of November). The survey scope and methods should rely on the use of an automated system for recording bird collisions with wind turbines, providing the possibility of conducting measurements both at night and during the day.

As part of the monitoring, the automatic bird collision detection system should be installed on at least three wind turbines within the FEW Baltic II area:

- in the eastern part of the FEW Baltic II area, on one of the extreme wind turbines located in the immediate vicinity of the zone free of FEW Baltic II WTGs near the neighbouring Bałtyk II OWF;
- on one of the WTGs located in the western part of the FEW Baltic II area;
- on one of the wind turbines located in the central part of the FEW Baltic II area.

The system may be installed in other locations if they are identified as optimal for the system to be installed by its provider or based on the data obtained as a result of monitoring surveys and ornithologists' recommendations. The monitoring should also take into account the issue of transboundary impacts.

38. Point **B.IV.3.2.h)** of the aforementioned decision shall read:

The monitoring of the harbour porpoise

The porpoise occurrence monitoring should be conducted in the first year after the construction of the entire OWF is completed, using the same methods as during the pre-investment monitoring until porpoise occurrence is observed again.

39. Point **B.IV.3.2.i)** of the aforementioned decision shall read:
    Noise monitoring
    The ambient noise measurements should be repeated in the middle of the area occupied by the OWF and at the boundary of the Słupsk Bank SPA.
    The ambient noise measurements should be conducted in compliance with the BSH guidelines, i.e. separately for the three sea states: at wind speeds of approx. 2, 4, and 6 B. For each sea state, four 24-hour measurements should be conducted, one in each subsequent quarter.
40. **The Investment Overview**, constituting Annex No. 1 to Decision No. 14/2021 on environmental conditions of 30 November 2021, reference number: WONS-OŚ.420.20.2020.KK.30, shall read as in Annex No. 1 to this decision.
41. **The Investment Location**, constituting Annex No. 2 to Decision No. 14/2021 on environmental conditions of 30 November 2021, reference number: WONS-OŚ.420.20.2020.KK.30, shall read as in Annex No. 2 to this decision.
42. **The remaining conditions specified in Decision No. 14/2021 on environmental conditions dated 30 November 2021, reference number:** WONS-OŚ.420.20.2020.KK.30, **remain unchanged**.

Justification

On 21 June 2024, RWE Offshore Wind Poland Sp. z o.o., submitted through Mr Juliusz Gajewski an application to amend the Environmental Impact Assessment No. 14/2021 issued for the investment involving the *construction of the FEW Baltic II offshore wind farm*.

The application for the above also included:

- the environmental impact assessment report (EIA report) prepared by the Maritime Institute at Gdynia Maritime University (20 June 2024) – 4 copies in paper and electronic format;
- a compilation of amendments to the Decision on Environmental Conditions and their rationale;
- GIS data (electronic version);
- a power of attorney to represent the Applicant;
- proof of payment of the stamp duty for the environmental impact assessment;
- proof of payment of the stamp duty for the power of attorney issuance.

The above application was supplemented on 28 June 2024 (via ePUAP) with a certificate of entry in the National Court Register dated 14 April 2022 regarding the change of the company's name from Baltic Trade and Invest Sp. z o.o. to RWE Offshore Wind Poland Sp. z o.o., decision of the District Court Gdańsk-Północ in Gdańsk of 14 April 2024 (case ref. no.: GD.VIII NS-REG.KRS/003878/22/484) regarding the change of the name of the entity (company) and a full excerpt from the National Court Register on the company.

During these proceedings, the authority also used case files collected during the proceedings concluded with the issuance of Decision No. 14/2021 on environmental conditions of 30 November 2021.

For the investment involving the *construction of the FEW Baltic II offshore wind farm*, the Regional Director for Environmental Protection in Szczecin, after conducting an environmental impact assessment, issued Decision No. 14/2021, reference number: WONS-OŚ.4220.20.2020.KK.30 on environmental conditions, which specified the conditions for the use of the land during the implementation, operation or use phase of the project, and its decommissioning, with particular emphasis on the need to protect valuable natural amenities, natural resources, and historical monuments, and to limit the impact on neighbouring areas. Due to the incorrect depth of the foundation installation

in the seabed specified in the decision, by order of 17 March 2022, reference number: WONS-OŚ.420.20.2020.KK.38, at the request of the party, the obvious clerical error was corrected, indicating the correct depth, i.e. from 25 to 50 m. In accordance with the provisions of the Regulation of the Council of Ministers of 9 November 2010 on projects that may have a significant impact on the environment (Journal of Laws of 2016, item 71), applicable on the date of submitting the application for a decision on environmental conditions, the investment was classified as a project that may always have a significant impact on the environment, as listed in § 2, paragraph 1, item 5) of the aforementioned regulation, i.e., as: "installations using wind energy for electricity generation with a total nominal power station capacity not smaller than 100 MW and located in the maritime areas of the Republic of Poland". One of the integral elements of the project is the planned offshore power station with a rated voltage of at least 220 kV, classified on the date of application submission as § 2, paragraph 1, item 6) of the aforementioned regulation – "power stations (…) with a rated voltage of at least 220 kV (…)". It should be noted that on 11 October 2019, the Regulation of the Council of Ministers of 10 September 2019 on types of projects likely to have significant effects on the environment (Journal of Laws No. 2019, item 1839) entered into force. However, the qualification of the project covered by this procedure was made based on the Regulation of 9 November 2010, following the provisions of § 4 of the Regulation of the Council of Ministers of 10 September 2019, on projects that may have a significant impact on the environment (Journal of Laws of 2019, item 1839), which indicates that the previous provisions shall apply to proceedings for issuing decisions on environmental conditions initiated but not completed before the date of entry into force of the new Regulation. Due to the location of the investment within Polish sea areas, i.e. the exclusive economic zone referred to in the Act of 21 March 1991 on the maritime areas of the Republic of Poland and the maritime administration, and the majority of the project located within the West Pomeranian Voivodeship (determined in relation to the offshore area along the coast within the voivodeship), the authority competent to issue a decision on environmental conditions is the Regional Director for Environmental Protection in Szczecin, in accordance with Art. 75 paragraph 1 item 1 letter c) in conjunction with Art. 75 paragraph 2 of the EIA Act. According to the records of Art. 6a of the EIA Act, which states that in the case of a project for which a decision on environmental conditions is issued, implemented in an area located within the territorial jurisdiction of two or more bodies issuing opinions or consenting to the implementation, the authority responsible for adjudicating on behalf of these bodies is the body within the territorial jurisdiction of which the majority of the area where the project is to be implemented is located. The bodies co-participating in the proceedings were the State Border Sanitary Inspector in Szczecin and the Director of the Maritime Office in Szczecin. Furthermore, under Art. 75, Section 5 of the aforementioned Act, the Regional Director for Environmental Protection in Gdańsk was also a co-participating body.

The procedure for amending the decision on environmental conditions for the project is regulated by Art. 87 of the EIA Act and Art. 155 of the CAP. According to Art. 75 par. 1 item 1 letter p) of the EIA Act the authority competent to issue the requested decision analysed in this procedure is the Regional Director for Environmental Protection in Szczecin.

According to the submitted documentation, including the environmental impact report on the project prepared by the Maritime Institute at Gdynia Maritime University (20.06.2024), the requested changes include a change in the technical parameters of the wind farm, mainly in the following scope: reducing the number of wind turbines from 44 to a maximum of 25, increasing the maximum total height of an offshore WTG together with the rotor from 300 m to 327 m and the diameter of the rotor itself from 250 m to 305 m; increasing the maximum power of the offshore wind farm from the current 350 MW to 440 MW and the maximum area of a single rotor from 49,087 m^2 to 73,062 m^2 or reducing the maximum area of all rotors within FEW Baltic II from 2,159,828 m^2 to 1,826,550 m^2 at max. In addition, it was requested to disregard in the operative part of the decision some of the conditions for the implementation of the project imposed in decision No. 14/2021, resulting from the resolution of the

Director of the Maritime Office in Szczecin of 18 October 2021, reference number: OW.52011.4.21.AZ(50) since they result from the applicable regulations and their duplication in the decision is unjustified (concerning the conditions of the decision in points: **B.I.1.1.c), B.I.1.1.e), B.I.1.1.2, B.I.1.1.3, B.I.1.1.11, B.I.1.1.12, B.I.1.1.13, B.I.2.10, B.I.2.16, B.I.3.3, B.I.3.4, B.I.3.5)**, as well as for the following reasons: lack of environmental conditions at the location of the project justifying the need to introduce a condition (referring to point B.I.2.19 of the decision regarding the method of laying cables on the seabed), applicable regulations regarding the marking of aviation obstacles that prevent the imposition of a condition (referring to point B.I.2.20 of the decision regarding rotor blade markings) or the adopted foundation method (piling), and meeting the requirements for the safety of people and equipment (regarding point B.IV.3.1.b) of the decision regarding monitoring sediment dispersion during the construction phase). A request was also made to amend the project implementation conditions in Decision No. 14/2021 by giving them new wording adapted to the factual circumstances resulting from the following premises: ensuring safe work conditions (regarding point **B.I.1.1.5** of the decision – regarding the lighting used); selecting effective noise reduction methods for protection of marine mammals based on solutions currently available on the market and knowledge (regarding **point B.I.2.17** of the decision); enabling a rational method of carrying out the works (point **B.I.2.18** of the decision regarding works related to the sequence of foundation of the power plant structure); adapting to changes in applicable regulations (points **B.I.3.6** and **B.I.4.2** of the decision); allowing the use of bird detection systems other than radar (referring to points **B.I.3.7** and **B.II.7** of the decision); including only cranes and night migrants in the system of periodic WTG shutdown/reduction and extending the shutdown/reduction period in relation to night migrants (point **B.I.3.8** and **B.II.7** of the decision); adapting the content of the condition to the updated project parameters (point **B.II.2** of the decision); applying additional technology to remove sediments from inside the pile during pile driving (point **B.II.5** of the decision); abandoning the separate description of the noise reduction system, referring to the previously indicated provisions contained in the decision (point **B.III.2** of the decision); adapting to the commonly used and verified limit values for TTS and PTS for various marine species (point **B.III.3** of the decision); adapting to the existing regulations of the BSH (2019) guidelines on noise, taking into account both the distance from the source and the potential impact of noise on specific marine species, based on scientifically justified limit values for TTS and PTS (point **B.III.4** of the decision); limiting to a one-off testing of the chemical composition of water and seabed sediments as part of monitoring the quality of water and seabed sediments during the construction phase (point **B.IV.3.1.a)** of the decision); adapting the provisions to the technical capabilities of current research systems regarding marine mammal monitoring during the construction phase (point **B.IV.3.1.c)** of the decision); regarding the location of measurement points during noise monitoring during the construction phase (point **B.IV.3.1.d)** of the decision); withdrawing from continuous monitoring of marine waters and sediments during the operation phase (point **B.IV.3.2.a)** of the decision); changing the methodology for benthos monitoring during the operation phase by separating the benthic communities covered by the studies (point **B.IV.3.2.b)** of the decision); withdrawing from ichthyofauna monitoring in the reference area and reducing the duration of monitoring during the operation phase (point **B.IV.3.2.c)** of the decision); adapting the provisions to the technical capabilities of currently available research systems, by defining the function of monitoring migratory birds without specifying the technology in detail and shortening the survey period to 3 years (point **B.IV.3.2.e)** of the decision); standardising the period for monitoring of bird mortality and migratory birds (point **B.IV.3.2.f)** of the decision); shortening the period for monitoring harbour porpoises during operation and adopting the monitoring methodology from the construction stage (point **B.IV.3.2.h)** of the decision); adjustments to the methodology for noise measurement during operation to determine the actual impact on the existing noise background (point **B.IV.3.2.i)** of the decision).

The remaining elements of the project, including the technology used and the conditions for project implementation imposed in Decision No. 14/2021, remain unchanged.

In the original procedure for issuing the environmental decision, the only body entitled to the rights of a party in the proceedings in question was the Investor. Considering the legal provisions governing amendments to decisions and administrative court judgements (Supreme Administrative Court judgement of 7 March 2007, II OSK 1465/05, LEX No. 337475), which state that *any amendment to a decision requires the consent of the parties with whose participation the final decision was issued*, the same rules were applied in this procedure as in the issuance of the original environmental decision.

After completing the application for the environmental decision from a formal perspective, in accordance with Art. 61 § 4 and Art. 10 § 1 of the CAP, by notification of 28 June 2024, reference number: WONS-OŚ.420.20.2020.KK.39, the authority notified the party of the initiation of administrative proceedings in the matter in question.

During the administrative proceedings, this authority was obligated to obtain the relevant opinions and approvals from the authorities participating in the proceedings under applicable regulations. Therefore, opinions and approvals regarding the project's implementation conditions were requested from the authorities participating in the proceedings, i.e.,

- in a letter dated June 28, 2024 (ref.: WONS-OŚ.420.20.2020.KK.40) to the Regional Director for Environmental Protection in Gdańsk (hereinafter referred to as RDEP Gdańsk), in accordance with Art. 75 par. 5 of the EIA Act;
- in a letter dated 28 June 2024 (ref. no.: WONS-OŚ.420.20.2020.KK.41) to the Director of the Maritime Office in Szczecin (hereinafter referred to as DMO), in accordance with Art. 77 par. 1 item 1 of the EIA Act;
- The State Border Sanitary Inspector in Szczecin (hereinafter referred to as the SBSI), in accordance with Art. 77, par. 1, point 2, in conjunction with Art. 78, par. 1, point 2, of the EIA Act.

In a letter dated 24 July 2024, reference number: PGKSE.ZNS.403.1.2024, the State Border Sanitary Inspector in Szczecin, based on an analysis of the submitted documents, i.e., the environmental impact assessment report, issued a positive opinion on the implementation of the project in question, simultaneously indicating that it should not deteriorate environmental hygiene conditions in light of the requirements of the Environmental Protection Act of 27 April 2001.

In a letter dated 31 July 2024, reference number: WŚ.52011.5.24.AZ(10), the Director of the Maritime Office in Szczecin did not agree on the implementation conditions for the aforementioned project and at the same time indicated the need to supplement the submitted documents, including: in the following scope: analysing the impact of changes in the investment's technical parameters (as a result of increasing the maximum total height of the offshore WTGs, including the rotor (from 300 m to 327 m) and increasing the maximum rotor diameter (from 250 m to 305 m) on birds wintering in the Polish zone of the Baltic Sea, e.g., ducks (long-tailed duck and common scoter), in the context of increased collision rate and mortality; presenting (with a detailed description) devices that will ultimately enable automatic bird detection and warning, covering the entire wind farm, with the option of shutting down the WTGs in the event of approaching bird(s), along with an indication of the size of the passages based on which the turbines will be shut down; indicating specific measures to reduce underwater noise; and increasing the frequency of monitoring water and seabed sediments. Additionally, this authority provided a more detailed justification for the need to remove the conditions, which, in the Applicant's opinion, constitute a repetition of requirements already provided for in applicable regulations, making their retention in the decision inappropriate.

The Regional Director for Environmental Protection in Gdańsk, in a letter dated 1 August 2024 (received by the office on 7 August 2024), reference number: RDOŚ-Gd-WOO.4221.70.2024.KB.1, requested a re-evaluation of the project site and the preparation of a report that raises no doubts regarding the changed investment parameters (including, in particular, the increase in WTG height and maximum

rotor diameter) and the associated emissions, as well as the scale and range of impact, including a detailed comparison of the investment variants.

This authority, taking into account the positions of the aforementioned bodies participating in the proceedings, in a letter dated 19 August 2024, reference number: WONS-OŚ.420.20.2020.KK.43 requested the investor to supplement the submitted materials by addressing all the issues included in the aforementioned letter from the Director of the Maritime Office dated 31 July 2024, and the Regional Director for Environmental Protection in Gdańsk in a letter dated 1 August 2024. Furthermore, given the local authority's doubts regarding the possibility of including in this procedure the requested changes regarding the use of a jacket foundation (not covered by the original procedure) in addition to the monopile foundation, the aforementioned letter requested the investor to address the above issue, as well as to re-examine the requested changes to the project implementation conditions resulting from the environmental decision issued on 30 November 2021, regarding the justification for amending the condition or removing it altogether.

At the same time, taking into account the cross-border proceedings conducted in the proceedings concluded with the issuance of a decision on environmental conditions on 30 November 2021, to exclude transboundary impact, a request was made to analyse the positions of the Swedish and Danish Parties submitted during the proceedings, submitted by the Swedish Environmental Protection Agency, in a letter dated 4 May 2021, case reference number: NV-03511-21 and the Danish Environmental Protection Agency in a letter dated 6 May 2021, ref. no. 2020 – 71469) in the context of transboundary impacts resulting from the change in the decision, as well as the response provided by the investor (in the letter dated 11 June 2021), including its commitment to apply mitigation measures in relation to individual elements of the marine environment, which were subsequently taken into account in the issued decision.

During the proceedings, in a letter dated 15 October 2024, the investor requested a certificate of finality for the decision issued by the Regional Director for Environmental Protection in Szczecin on 17 March 2022, under reference number: WONS.OŚ.420.20.2020.KK.38, correcting an obvious error in Decision No. 14/2021 on environmental conditions issued by the Regional Director for Environmental Protection in Szczecin on 30 November 2021, regarding the incorrect depth of the foundations' installation in the seabed. The certificate was issued on 23 October 2024, under reference number: WONS-OŚ.420.20.2020.KK.44.

On 19 November 2024, the applicant submitted a response to the request of the local authority of 19 August 2024, together with attachments, including: a new application to amend the decision on environmental conditions (consolidated and updated content), an updated list of requested changes to the environmental decision and a summary of changes to the environmental decision together with justification in tabular form. In the submitted supplementary document, the investor announced that a jacket would not be used as a WTG foundation during the project's implementation and would instead use a monopile foundation. Furthermore, materials translated into English were submitted, including a summary of the scope of the project covered by this procedure, an application to amend the environmental decision, a list of the requested amendments, and the investor's response to the request from the RDEP in Szczecin dated 19 August 2024, for informational purposes for the Danish and Swedish party, while also indicating the absence of transboundary impacts resulting from the amendment to the environmental decision. The administrative actions taken in this regard are discussed later in this decision.

After receiving the relevant supplementary document from the investor on 19 November 2024, including an updated application to amend the environmental decision, the local authority was obligated to re-obtain the relevant opinions and approvals from the authorities participating in this procedure under applicable law. In connection with the above, in letters dated 22 November 2024, the following bodies participating in the proceedings were requested to provide opinions and agree on the terms of

implementation of the project, i.e., the Regional Director for Environmental Protection in Gdańsk, under Art. 75, par. 5 of the EIA Act (reference number: 1WONS-OŚ.420.20.2020.KK.45), Director of the Maritime Office in Szczecin, under Art. 77, par. 1, point 1 of the EIA Act (ref. no.: WONS-OŚ.420.20.2020.KK.46), State Border Sanitary Inspector in Szczecin, under Art. 77, par. 1, point 2 in conjunction with Art. 78, par. 1, point 2 of the EIA Act (ref. no.: WONS-OŚ.420.20.2020.KK.47).

State Border Sanitary Inspector in Szczecin, in a letter dated 27 November 2024, ref. no. PGKSE.ZNS.403.1.1.2024, confirmed that he maintained the position regarding this matter presented in the letter dated 24 July 2024, which positively assessed the implementation of the project.

The Director of the Maritime Office in Szczecin, in letters dated 10 December 2024, ref. no.: (WŚ.52011.5.24.AZ(13)) and 9 January 2025 (ref. no.: WŚ.52011.3.25.AZ(19)), set a new deadline for resolving the matter, i.e., 30 January 2025, due to the complex nature of the matter. Subsequently, by order dated 30 January 2025, ref. no.: WŚ.52011.3.25.AZ(22), based on an analysis of the submitted documents, i.e., the environmental impact assessment report and its supplements, agreed on the project implementation conditions within the scope proposed by the investor in the application dated 19 November 2024, amending Decision No. 14/2021 on environmental conditions. The Director of the Maritime Office in Szczecin agreed to remove some of the project implementation conditions imposed by this authority in its decision of 18 October 2021, and subsequently incorporated into the environmental conditions decision of 30 November 2021. This situation occurs with respect to the following conditions: resolutions of the Director of the Maritime Office resulting directly from the applicable provisions of law (see the judgement of the Supreme Administrative Court in Warsaw of 27 April 1983, file ref. no.: II SA 261/83 and the judgement of the Voivodship Administrative Court in Szczecin of 7 January 2013, file reference II SA/Sz 1062/12):

- point I.1.c) of the resolution (point B.I.1.1.c) of the decision, saying: *in the event of a spill of petroleum products and oil derivatives during the performance of works, the pollution should be removed from the water surface as soon as it arises using means of mechanical collection, and in the event of using means other than mechanical collection, the removal of pollution from the marine water surface will be possible only after obtaining each time a consent from the competent director of the maritime office pursuant to Art. 6, paragraph 1 of the Regulation of the Council of Ministers of 8 August 2017 on the organisation and methods of controlling the hazards and pollution at sea (Journal of Laws 2017, item 1631)*" – these obligations result from the provisions of the Maritime Safety Act of 18 August 2011 (Journal of Laws of 2025, item 883, as amended), hereinafter referred to as the "Maritime Safety Act" and § 6 par. 1 of the Regulation of the Council of Ministers of 8 August 2017 on the organisation and methods of controlling the hazards and pollution at sea (Journal of Laws 2022, item 216);
- in point I.1. e) of the resolution (point B.I.1.1.e) of the decision) stating "*the recommendations defined in the "Oil Pollution Response Plan" prepared for the purposes of the Project implementation should be observed."* – these obligations result from the Maritime Safety Act, including Art. 113b par. 1 point 5 of the aforementioned Act, which indicates that the producer of electricity from wind at sea in an offshore wind farm is obliged to prepare a "Plan for combating threats and pollution for an offshore wind farm and a set of devices" and the Regulation of the Minister of Infrastructure of 15 December 2021 on the rescue plan and the plan for combating threats and pollution for an offshore wind farm and a set of devices (Journal of Laws 2021, item 2391);
- in point I.2 of the resolution (point B.I.1.2 of the Decision, stating: *"The Investor is obliged to notify the Director of the Maritime Office in Szczecin each time, through the Darłowo Harbor Master and the Director of the Maritime Office in Gdynia, and through the Ustka Harbor Master or the Ławica Słupska Vessel Traffic Service, which is part of the Gdynia Maritime Office, about incidents related to pollution or the threat of pollution of sea waters"* – these obligations result

from Article 113b paragraph 1 item 4 of the Maritime Safety Act and the Regulation of the Minister of Infrastructure of 15 December 2021, on the rescue plan and the plan to combat threats and pollution for an offshore wind farm and a complex of facilities (Journal of Laws 2021, item 2391);

- in point I.3 of the resolution (point B.I.1.3 of the decision), stating *"To ensure the safe use of maritime space, including ensuring the safety of navigation in the area of the planned project, the Investor is obliged to inform the Director of the Maritime Office in Szczecin and the Director of the Maritime Office in Gdynia about the dates of commencement and completion of work conducted by vessels in the sea area. The conditions and schedule for carrying out the work, in particular, in the aspect of safety in the water area, should be agreed with the Director of the Maritime Office in Szczecin and the Director of the Maritime Office in Gdynia, before the commencement of work."* – these obligations result from Art. 113b par. 1 item 1 of the Maritime Safety Act, the Regulation of the Minister of Infrastructure of 15 December 2021 on the emergency plan and the plan for combating threats and pollution for the offshore wind farm and its set of devices (Journal of Laws 2021 item 2391) and the Regulation of the Minister of Infrastructure of 15 December 2021 on the navigational and technical expertise for an offshore wind farm and its set of devices (Journal of Laws 2021, item 2380);
- in point I.8 of the resolution (point B.I.1.11 of the decision), stating: *"Develop emergency plans for emergency accident scenarios, taking into account environmental protection requirements*" – these obligations result from Art. 113b par. 1 item 5 of the Maritime Safety Act and the Regulation of the Minister of Infrastructure of 15 December 2021, on the emergency plan and the plan for combating threats and pollution for the offshore wind farm and its set of devices (Journal of Laws 2021, item 2391);
- in point I.7. of the resolution (point B.I.1.12 of the decision) stating: *"In order to ensure safety in the field of navigation, implement the recommendation set out in the study entitled "Navigational expertise of the impact of the planned Baltic II Wind Farm together with the accompanying infrastructure on the safety of ships in Polish maritime areas and the efficiency of their navigation, taking into account existing shipping routes and traffic separation schemes"* – these obligations result from Art. 113b sec. 1 point 1 of the Maritime Safety Act and the Regulation of the Minister of Infrastructure of 15 December 2021, on the emergency plan and the plan for combating threats and pollution for the offshore wind farm and its set of devices (Journal of Laws of 2021, item 2391) and the Regulation of the Minister of Infrastructure of 15 December 2021, on the navigational and technical expertise for an offshore wind farm and its set of devices (Journal of Laws of Laws 2021, item 2380);
- in point I.9 of the resolution (point B.I.1.13 of the decision) stating that "*A pollution response plan for marine waters should be developed and updated on an on-going basis, and this plan should define the potential area covered by the risk of different spill sizes, the methods of counteracting oil spills and the equipment planned to respond to hazards occurring, which would be sufficient to remove oil spills defined as level 1 risk with no assistance from third parties."* – these obligations arise from Art. 113b paragraph 1 item 5 of the Maritime Safety Act and the Regulation of the Minister of Infrastructure of 15 December 2021, on the emergency plan and the plan for combating threats and pollution for the offshore wind farm and its set of devices (Journal of Laws 2021, item 2391);
- in point II.1.g) of the resolution (point B.I.2.10 of the decision) stating *"For the duration of work in the water area occupied by construction and within an area of 500 m from this water area, before commencing work, a safety zone with a ban on fishing and navigation shall be established by an appropriate decision of the competent director of the maritime office."* – these

obligations arise from Art. 24 of the Act of 21 March 1991, on the maritime areas of the Republic of Poland and the maritime administration (Journal Laws of 2024, item 1125), Art. 113b par. 1 item 1 of the Maritime Safety Act, the Regulation of the Minister of Infrastructure of 15 December 2021, on the emergency plan and the plan for combating threats and pollution for the offshore wind farm and its set of devices (Journal of Laws of 2021, item 2391) and the Regulation of the Minister of Infrastructure of 15 December 2021, on the navigational and technical expertise for an offshore wind farm and its set of devices (Journal of Laws of 2021, item 2380), as well as the Regulation of the Council of Ministers of 14 April 2021, on the adoption of the spatial development plan for internal maritime waters, territorial sea and the exclusive economic zone on a scale of 1:200,000 (Journal of Laws 2021, item 935 as amended);

- in point II.1.j) of the resolution (point B.I.2.16 of the decision) with the content *"Limit the works conducted to methods that do not threaten the ecological function of spawning grounds and the survival of early development stages of fish (eggs and larvae) of commercial species"* – these obligations result from the Regulation of the Council of Ministers of 14 April 2021, on the adoption of the spatial development plan for internal sea waters, the territorial sea and the exclusive economic zone on a scale of 1:200,000 (Journal of Laws 2021, item 935 as amended);
- in point II.2.c) of the resolution (point B.I.3.3 of the decision) reading *"All the vessels engaged in the OWF operation phase should satisfy the requirements of the Convention on the Protection of the Marine Environment of the Baltic Sea Area and the guidelines for the Baltic Sea area as as a special area under the MARPOL 73/78 Convention (the International Convention for the Prevention of Pollution from Ships)"* – these obligations result from the Maritime Safety Act and Art. 6 of the Act of 16 March 1995 on the Prevention of Pollution from Ships (Journal of Laws 2024 poz. 1786);
- in point II.2.d) of the resolution (point B.I.3.4 of the decision), stating *"Properly marked safety zones with a width of no more than 500 m should be established around the structures to reduce vessel traffic. Under Art. 24, par. 1 of the Act on the maritime areas, such zones are established by the director of the maritime office."* – these obligations result from Art. 24 of the Act of 21 March 1991 on the maritime areas of the Republic of Poland and maritime administration (Journal of Laws 2024, item 1125), Art. 113b par. 1 item 1 of the Maritime Safety Act, the Regulation of the Minister of Infrastructure of 15 December 2021, on the emergency plan and the plan for combating threats and pollution for the offshore wind farm and its set of devices (Journal of Laws 2021, item 2391) and the Regulation of the Minister of Infrastructure of 15 December 2021, on the navigational and technical expertise for an offshore wind farm and its set of devices (Journal of Laws 2021, item 2380), as well as the Regulation of the Council of Ministers of 14 April 2021, on the adoption of the spatial development plan for internal maritime waters, the territorial sea, and the exclusive economic zone at a scale of 1:200,000 (Journal of Laws 2021, item 935, as amended).

Furthermore, the Director of the Maritime Office in Szczecin, in his letter of 30 January 2025, took into account the need to remove the condition in point II.2.e) of its earlier decision **(point B.I.3.5 of the decision)** stating: *"Before obtaining a permit for use or before commencing use, the rules for fishing within the offshore wind farm area should be agreed with the Chief Inspectorate of Sea Fisheries"* – as the Chief Inspectorate of Sea Fisheries has no authority to agree on fishing rules within the offshore wind farm area, including establishing rules for passage and use of the water body, which fall within the authority of the Director of the Maritime Office under the provisions of the Maritime Safety Act. In addition, this body agreed to the changes proposed by the investor to the conditions for the implementation of the project contained in the decision of 30 November 2021, which were also included in the content of the decision of 18 October 2021, i.e.

- in **point B.I.2.17 of the decision** (item II.1.c) of the DMO resolution) regarding the implementation of measures minimising the impact of the investment on ichthyofauna, birds, and marine mammals during the piling process;
- in point **B.I.2.18 of the decision** (item II.1.c, fourth indent of the DMO resolution) regarding the rational enabling of the work and the adoption of the following condition: *"The construction works for individual stages of WTG installation should be carried out gradually in order to limit the area of the work performance, i.e. adjoining WTGs should be constructed one by one, starting in one location so that the area gradually becomes built up with the structures. At the same time, sequential work performance is admitted, with a division into the construction stages, i.e. installing in the first place the foundations for all WTGs, followed by the towers of all WTGs, the installation of nacelles and rotors, and so on until all the works are completed.";*
- in point **B.I.3.6 of the decision** (point II.2.f) and point II.3.b) of the DMO resolution) due to the lack of need to repeat the requirements directly arising from generally applicable legal acts, and the adoption of the following wording of the condition: *"The Investment area should be documented with bathymetric plans of the sea basin, underwater survey certificates and seabed survey reports in accordance with the applicable regulations"*;
- in point **B.I.3.7 of the decision** (point II.4.b) of the DMO resolution) regarding the approval of non-radar bird migration detection systems and the recognition of cranes and nocturnal migrants by such systems and the adoption of the following wording of the condition: "*Bird flights across the OWF area should be continuously recorded using a flight intensity monitoring system employing at least a radar system or another system characterised by detection efficiency no worse than that of a radar system, which automatically detects the flight paths and assigns information making it possible to define the sizes of birds flying in the area and their flight parameters, i.e. the altitude, speed, and course of the flight paths. The system should allow for detecting and identifying the flights of the common crane and nocturnal migrants.*

The above has been taken into account in this decision.

The Regional Director for Environmental Protection in Gdańsk, by the order of 20 December 2024 (date of receipt by the Office – 30 December 2024), ref. no.: RDOŚ-Gd-WOO.4221.70.2024.KB.2, issued an opinion on changes in the decision on environmental conditions of the RDEP in Szczecin, reference number WONS-OŚ.420.20.2020.KK.30 of 30 November 2021, for the project consisting in the "construction of the FEW Baltic II offshore wind farm", located in the exclusive economic zone of Polish sea areas, partly located in the Pomeranian Voivodeship, within the scope of the opinion issued by the order of the Regional Director for Environmental Protection in Gdańsk – hereinafter referred to as RDEP in Gdańsk, reference number RDOŚ-Gd-WOO.4221.52.2020.AT.7 of 30 September 2021, submitted during the proceedings culminating in the issuance of the original environmental decision.

Given that the RDEP in Gdańsk, in its position, referred to the technical parameters of the investment presented in the original application to amend the decision submitted on 21 June 2024, without taking into account the updated data contained in the application of 19 November 2024, including the abandonment of the jacket foundation, to clarify all doubts regarding the matter in question, in a letter dated 17 January 2025, ref. no.: WONS.420.20.2020.KK.51, the aforementioned authority was again requested to provide its opinion on the matter in question in accordance with Art. 75, par. 5 of the EIA Act. At the same time, in the letter dated 13 February 2025, ref. no.: WONS.420.20.2020.KK.52, the text of the resolution of the Director of the Maritime Office in Szczecin dated 30 January 2025, ref. no.: WŚ.52011.3.25.AZ(22) was provided to RDEP in Gdańsk.

As a result of the above, RDEP in Gdańsk, by resolution dated 28 April 2025, ref. no.: RDOŚ-Gd-WOO.4221.70.2024.KB.3, expressed its opinion on the need to determine new technical parameters of the investment in accordance with the investor's request of 19 November 2024, and to **amend and/or delete** the conditions for the implementation of the project, to the extent proposed by the investor with

respect to the following conditions of the decision: amendments to point **B.I.1.1.5** of the decision regarding the lighting used; amendments to point **B.II.2** of the decision regarding the adaptation of the content of the condition to the updated parameters of the project; changes in point **B.II.5** of the decision resulting from the use of additional technology for removing sediments from its interior during pile driving and the need to spread them around the pile; changes in point **B.IV.3.1.c** of the decision with regard to adapting the provisions to the technical capabilities of current research systems for monitoring marine mammals during the construction phase; changes in point **B.IV.3.1.d** with regard to the location of measurement points during noise monitoring in the construction phase; changes in point **B.IV.3.2.b** with regard to the methodology for benthos monitoring during the operation phase by separating the benthic communities covered by the studies; changes in point **B.IV.3.2.f** of the decision with regard to unifying the date for monitoring the mortality of birds and migratory birds; changes in point **B.IV.3.2.i** with regard to adapting the methodology for noise measurement during operation, to determine the actual impact on the existing acoustic background and deletion of the condition in point **B.I.2.20** regarding rotor blade marking. The above position of the RDEP in Gdańsk has been taken into account in this decision.

Furthermore, in its position dated 28 April 2025, this authority presented proposed conditions that deviate from the content of the investor's application and the findings contained in the environmental impact assessment report. Given that the authority is bound by the content and scope of the Party's application to amend the environmental decision, and the issued opinion constitutes a modification of the requested changes proposed by the investor, resulting in a departure from the content of the investor's application in this respect, this procedure did not take into account modifications to the following conditions specified in the decision as proposed by the investor: point **B.I.1.2.17** of the decision; points **B.I.3.7** and **B.II.7** of the decision; point **B.I.3.8** of the decision; point **B.IV.3.2.e** and point **B.IV.3.2.h** of the decision.

Concerning the remaining proposed changes and/or deletions, the project implementation conditions imposed on the investor by the decision of the RDEP in Szczecin, reference WONS-OŚ.420.20.2020.KK.30 of 30 November 2021, which did not result from the decision of the RDEP in Gdańsk, reference RDOŚ-Gd-WOO.4221.52.2020.AT.7 of 30 September 2021, this authority did not submit any comments.

With respect to the analyses of the scope of the project covered by this procedure in the context of transboundary impacts, the following administrative actions were taken.

The documents submitted by the investor on 19 November 2024 (via ePUAP) translated into English, i.e. information on the planned project, an application to amend the decision on environmental conditions, a list of the requested changes and the investor's response to the request of the RDEP in Szczecin of 18 August 2024, in which explanations regarding the planned changes and their justification were presented, were immediately forwarded to the General Director for Environmental Protection (GDEP) as the body responsible for coordinating the environmental impact assessment procedure in the transboundary context (letter of 26 November 2024, reference number: WONS-OŚ.420.20.2020.KK.47). In response to the document dated 2 December 2024 (ref. no.: DOOŚ-TSOOŚ.440.3.2020.ZM.12 and DOOŚ-TSOOŚ.440.3.2020.ZM.13) informed the Danish and Swedish Parties about the planned implementation of the project, submitting relevant documents translated by the investor on the matter and simultaneously requesting comments on the amendment of the decision on environmental conditions. At the same time, in the aforementioned letters, GDEP indicated that the planned change in the project's parameters will not generate new transboundary impacts or increase those originally assessed; therefore, the findings of the previously conducted transboundary impact assessment remain valid for the project in the form that will be implemented based on the amended decision. It should be noted that the materials translated by the investor were provided to the affected Parties for informative purposes and did not constitute notification under Art. 3, par. 1 of the Convention

on Environmental Impact Assessment in a Transboundary Context, done at Espoo on 25 February 1991, and Art. 7 par. 1 of 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 (consolidated text) (OJ EU L. 2000, no. 26, p. 1 as amended)

According to correspondence submitted by the GDEP (letter dated 26 February 2025, ref. no.: DOOŚ-TSOOŚ.440.3.2020.ZM.15), the Swedish side did not submit any comments to the submitted documentation. However, the Danish side's position, along with relevant comments, was submitted by the following institutions: the Agency for Green Transformation and Water Environment (letter dated 23 January 2025, reference: 2020 – 71466) and the Real Estate Agency of the Ministry of Defence (letter of 21 January 2025, ref. no.: 2024/015794).

The comment submitted by the Ministry of Defence's Real Estate Agency objected to the entire project, citing its conflict with significant military interests and NATO operations. It was pointed out that the project's implementation could negatively impact the Armed Forces' radar coverage. Considering that the issues raised by the comments fall outside the remit of the General Directorate for Environmental Protection and the Regional Directorate for Environmental Protection in Szczecin, which are the institutions responsible for nature conservation and participation in the environmental aspects of the investment process, GDEP in a letter dated 20 February 2025, reference number: DOOŚ-TSOOŚ.440.3.2020.ZM.14, informed the Danish side of the above, simultaneously requesting that the Danish Ministry of Defence contact its Polish counterpart to clarify the issues raised in the Agency's letter dated 21 January 2025, reference: 2024/015794.

The Agency for Green Transition and Aquatic Environment submitted comments regarding the project's impact on the harbour porpoise population in the Baltic Sea and birds protected in the Natura 2000 SPA F129 Rønne Banke. It should be noted that comments in this regard were already raised in 2021 as part of the environmental impact assessment in a cross-border context, which concluded with the issuance of a decision on environmental conditions on 30 November 2021. At that time, the investor addressed the submitted comments, and the Danish Party accepted the explanations provided. It should also be noted that the comment from the affected Parties is addressed in Annex No. 3 to the decision of the Regional Director for Environmental Protection in Szczecin of 30 November 2021, which, together with the decision in Danish, was forwarded by the GDEP to the Danish Party in a letter dated 13 January 2022, ref. no.: DOOŚ-TSOOŚ.440.3.2020.ZM.10.

The comments submitted by the Affected Parties were also forwarded to the investor in a letter dated 3 March 2025, ref. no. WONS.420.20.2020.KK.53. The investor's response to the comments from the Affected Parties, translated into English, was submitted on 26 March 2025, and then forwarded to the GDEP in a letter dated 28 March 2025, ref. no.: WONS.420.20.2020.KK.54. In a letter dated 1 April 2025, ref. no. DOOŚ-TSOOŚ.440.3.2020.ZM.14, the General Director for Environmental Protection submitted the investor's response to the comments submitted in the letter from the Agency for Green Transformation and Water Environment dated 23 January 2025, and the Ministry of Defense's Real Estate Agency dated 21 January 2025, and informed the Danish Party that the next step in the ongoing proceedings will be the issuance of a decision amending the environmental decision of 30 November 2021, which will be communicated to the affected Parties immediately after its issuance and preparation of an English translation. In these proceedings, the authority addressed the affected Parties' comments as follows.

It should be noted at the start that, when proposing amendments to the current Decision on Environmental Conditions No. 14/2021, the Investor took into account the previous findings resulting from the conducted cross-border procedure, and the introduced changes do not result in increased impacts compared to those described for the project variant covered by the current decision. As evidenced by the submitted documents, all established conditions regarding noise emissions and compliance with the appropriate SELss and SELcum levels will be met, including in the Swedish Natura

2000 site – Hoburgs Bank och Midsjöbankarna SE0330308. It should also be noted that at the stage of the cross-border procedure concluded with the issuance of Decision on Environmental Conditions No. 14/2021, the Danish and Swedish parties did not impose specific solutions, and the indicated technological solutions, which were subsequently incorporated into the Decision on Environmental Conditions, were the investor's proposal based on the current state of knowledge. At this stage of the proceedings, these proposals have been verified and appropriately modified without compromising the level of protection of any of the animal groups affected and without significantly affecting their welfare. In summary, the existing noise regulations should take into account not only the distance from the source, but above all, the potential impact of noise on specific marine species, based on scientifically justified limit values for TTS and PTS. This approach is crucial for a reliable assessment of an investment's impact on the marine environment. It should be noted that the conditions set out in the current environmental decision, including the use of a "soft-start" procedure, the design and implementation of technical solutions such as an air curtain or other similar technology, noise measurements during piling, while maintaining their expected effectiveness as defined by the maximum noise levels permitted in the marine environment at distances from the piling site specified in the decision, and ensuring, also taking into account other planned wind farms in the immediate vicinity, that the number of pilings is not exceeded at any one time, remain unchanged. Therefore, it should be concluded that the changes proposed by the investor to the conditions of the decision in points: B.III.2, B.III, and B.III.4 (*Environmental protection requirements regarding transboundary impact*) do not result in increased transboundary impacts.

Concerning the comments submitted by the Agency for Green Transformation and Environment in its letter dated 23 January 2025, regarding the assessment of the impact of changes to the FEW Bałtyk II offshore wind farm project on marine mammals, the following should be noted. The closest Danish Natura 2000 site designated for the protection of marine mammals is Adler Grund og Rønne Banke (DK00VA261), located approximately 124 km from the planned FEW Baltic II offshore wind farm. The results of the modelling conducted in 2019 showed that during the winter season, i.e. characterised by the best sound propagation conditions that translate into the furthest impact ranges of all seasons analysed, the impact in terms of TTS and PTS in harbour porpoise reaches 56.3 km and 13 km, respectively. Further away from the sound source, the impact on this species in terms of behavioural response was determined to be negligible. In no case did the modelled impact ranges extend into the Danish Natura 2000 site. This is also confirmed by the results of underwater noise propagation modelling conducted in 2024 to amend Decision on Environmental Conditions No. 14/2021. Based on these results, it was concluded that none of the thresholds used in the analysis, i.e., behavioural response, TTS, or PTS, would be exceeded at the border of the Danish Natura 2000 site. It should be emphasised that the investor assumes the use of noise minimisation measures each time piling is carried out, which will further reduce the sound levels generated during the construction of the FEW Baltic II. The analyses show that an effect in the form of behavioural response can be expected at a maximum distance of 12.1 km from the sound source, and TTS and PTS at a distance of only 0.1 km. Therefore, changing the investment parameters, including its implementation method, does not increase the adverse impacts (including, in particular, transboundary impacts) on marine mammals compared to those assessed in the EIA report for the previously obtained environmental permit. In addition, reducing the number of structures (from 44 WTGs to 25 WTGs) will also shorten the duration of the impact during the construction phase.

Regarding the assessment of the impact of the planned changes in the FEW Bałtyk II project on the avifauna of the Natura 2000 DK00FC373 Rønne Banke Special Protection Area, the following should be noted. The Natura 2000 DK00FC373 Rønne Banke Special Protection Area, established in November 2021, is located south of the island of Bornholm, approximately 67.8 nautical miles west of the planned investment area. According to reports from the National Centre for Environment and Energy

(DCE), the Rønne Banke area is the most important Danish wintering area for long-tailed ducks, which are the only protected species in this area, and their numbers regularly exceed 1% of the international migratory population. The banks in the southern Baltic Sea (including the Słupsk Bank situated within the FEW Baltic II OWF area) are important wintering areas, in particular for certain species of sea ducks. The wintering population of this species in Danish waters is estimated at 50,000-85,000 birds, with the largest concentrations in the open sea in the Baltic Sea, especially in Rønne Banke and the waters around Møn and Falster. It is estimated that the occurrence of the long-tailed duck in the area exceeds the 1% criterion for the species' flyway population, corresponding to 16,000 birds (Wetlands International 2019). The average density is estimated to be 10–20 birds per km^2 in the middle winter months. According to the monitoring data, the wintering and migratory populations reach the maximum of 16,000–24,000 individuals of the long-tailed duck and in the winter period the number reaches 18,000–30,000 individuals (according to the letter dated 6 May 2021, number 2020 – 71469, from the Danish Environmental Protection Agency (Danish Species and Nature Protecion Unit, Danish EPA)). The main breeding areas of the Northern European and Western Baltic populations, numbering at least 1.5 million birds, are located in the southern and central Baltic Sea, outside Danish waters. The most important areas for the long-tailed duck are the Hoburgs Bank and the Midsjöbanken and the Słupsk Bank between the southern tip of Gotland and the Polish mainland. The southern part of Rønne Bank borders German waters, where there are documented stable resting areas for the long-tailed duck at Adler Grund. These birds, which mainly reside in the areas south of Rønne Bank and the Pomeranian Bay, also use parts of Rønne Bank as resting habitat. The long-tailed duck is one of the three key migratory bird species in the assessment, of very high conservation value and of significant international importance. Therefore, in the materials submitted at this stage of the proceedings, the impact of the project maintaining a favourable conservation status of the populations was analysed, referring to the accessibility to attractive habitats of Natura 2000 SPAs as important bird wintering grounds and resting areas during migration, and to the maintenance of movement between the areas and the protection of connectivity between them.

The documentation submitted at the stage of the procedure concluded with the issuance of Decision No. 14/2021 of 30 November 2021, presents extensive and thorough field studies as a basis for a professional assessment of the project's possible impact on bird species. Specific calculations were made and the cumulative effect of the planned offshore wind farms in this area was explained, including the cumulative impact of collisions and barriers on birds of international importance, including long-tailed ducks.

The proposed change to the project results in reducing the number of WTGs (from 44 pcs to 25 pcs) and increasing their height (from 300 m to 327 m) and the diameter of each single rotor (from 250 m and an area of 49,087 m^2 to 305 m and an area of 73,062 m^2). However, the implementation of the project will result in a reduction of the maximum area of all rotors installed within the offshore wind farm from 2,159,828 m^2 to 1,826,550 m^2, which is significant for reducing the barrier effect and the risk of collision with birds.

Based on the general model of the bird collision risk, in terms of the lowest number of collisions (aggregate value) and with the identical number of endangered subjects of assessment (the index of "0" in each variant), the variant taking account of the changed Investment parameters (25 x WTG) proved to be slightly more favourable in comparison with the previous variant (44 x WTG). This refers to bird migrations in spring and autumn, both during the day and at night. With the above-mentioned indicator species/groups being distinguished, in terms of the lowest number of collisions (aggregate value and individually for individual subjects of assessment) and with the identical number of endangered species/groups (the index of "0" in each variant), the variant taking account of the changed Investment parameters (APV 25 x WTG) also proved to be more favourable in comparison with the previous variant (RAV 44 x WTG). In assessing the significance of the impact of cumulative collisions, particular caution

was taken with the crane, which had the highest predicted number of collisions – not only among the designated species assessed individually, but also in relation to the assessed species groups. This species was also distinguished as regards the forecast (number of cumulative collisions) of the percentage share in the estimated abundance of the biogeographical population (approx. 350,000 individuals), which is close to 1% (approx. 0.87%). A schematic comparison (number of collisions/population size) allowed for estimating a smaller share of approximately. 0.17–0.09% in the case of the little gull, geese, the common scoter and the great cormorant (below 0.1%). Due to the above, the environmental conditions for this species, as well as for nocturnal migratory birds, were modified due to the large numbers observed during migration, allowing only the crane and nocturnal migrants to be included in the periodic WTG shutdown/reduction system.

Following the assessment methodology adopted in the environmental impact assessment report for the FEW Baltic II offshore wind farm, developed by the Maritime Institute of the Maritime University in 2024, which took into account changes to the project, the impact on the long-tailed duck in the Rønne Banke area during the construction phase of the planned investment was assessed as moderate, i.e., significant locally, but not nationally or internationally, within the standards, and not significant for maintaining a favourable conservation status. However, in the operational phase, the significance of the impact was assessed as moderate in the individual aspect and high for the cumulative barrier effect – i.e. it may affect the achievement of national, regional or local objectives, including the proper conservation status of Natura 2000 areas, or lead to the violation of legal provisions. The favourable conservation status of a species is defined as the sum of impacts on the species concerned that may affect the long-term distribution and abundance of its populations within a country or EU Member State or the natural range of this species. The information on the population development of the species concerned shows that the species will remain a viable part of its habitat. Given the cumulative impact of the barrier effect, it is assessed that the natural range of the species will not be reduced in the foreseeable future, and sufficiently large habitats will likely be retained for the persistence of the species population. In conclusion, no significant negative impacts of the construction and operation phases of the planned project, either individually or cumulatively, have been identified on the long-tailed duck *Clangula hyemalis*, which is of conservation concern object in the Natura 2000 site DK00FC373 Rønne Banke. Changing the parameters of the investment, including the way it is implemented, does not increase the negative impacts (including, in particular, transboundary impacts) on migratory birds beyond those assessed in the EIA Report for the previously obtained decision on environmental conditions of the project.

In light of the above, and taking into account the investor's analysis of the project's potential impact on individual elements of the marine environment in the documentation submitted at this stage of the proceedings, as well as the proceedings concluded with the issuance of Decision No. 14/2021 of 30 November 2021, it should be concluded that the changes to the decision's terms proposed by the investor do not result in increased transboundary impacts compared to those described for the project variant covered by the current decision on environmental conditions.

Comments and motions submitted by the affected Parties under applicable regulations were analysed in these proceedings.

During the proceedings, an environmental impact assessment procedure for the planned project was conducted, ensuring public participation in the proceedings in accordance with Art. 33, paragraph 1, in conjunction with Art 79 of the EIA Act. As part of the public consultation, this authority, by notice of 29 November 2024, ref. no.: WONS-OŚ.420.20.2020.KK.49, publicly announced the ongoing environmental impact assessment procedure for the project in question. The announcement provided the information referred to in Art. 33, Section 1 of the EIA Act, including the opportunity to submit comments and proposals, while also specifying the location and 30-day deadline for their submission, which fell between 4 December 2024 and 2 January 2025, inclusive. Public notice was made available

by publishing the information on the website of the Public Information Bulletin of the Regional Director for Environmental Protection in Szczecin and by customarily publishing the information, i.e., on a notice board at the headquarters of the Regional Directorate for Environmental Protection in Szczecin. Furthermore, due to the territorial scope of the investment, the aforementioned announcement announcing the commencement of the environmental impact assessment and the opportunity to submit comments and proposals was forwarded to the RDEP in Gdańsk for distribution in the customary manner at the office. During the public consultations, the authority received no comments or proposals regarding the implementation of the project.

After collecting evidence enabling the issuance of the requested decision under Art. 10 § 1 of the CAP, before issuing the decision on environmental conditions, by notification of 30 April 2025, reference number: WONS.420.20.2020.KK.55, this authority informed the applicant, as the sole party to the proceedings, of the opportunity to review the case files within 14 days of the date of notification delivery. On 16 May 2025, a letter from the investor was received within the indicated deadline, containing comments on the position of the RDEP in Gdańsk expressed in its decision of 28 April 2025, regarding the conditions proposed by this authority, which deviate from the investor's application to amend Decision No. 14/2021 and the findings contained in the environmental impact assessment report analysed in this proceeding. The aforementioned letter indicated that the conditions proposed by the RDEP in Gdańsk, which constitute a modification of the content of the changes to the conditions proposed by the investor, do not contain adequate justification and deviate from the findings of the environmental impact assessment report covered by this proceeding. In connection with the above, it was requested to disregard the opinion of the RDEP in Gdańsk in the scope of the modifications proposed by this body to the conditions proposed by the investor in the application to amend the environmental decision, at the same time pointing out that the position of the RDEP in Gdańsk is in the form of an opinion that is not binding on the body conducting the proceedings and issuing the decision on environmental conditions. Additionally, the investor indicated in its position that the presented environmental impact assessment for the requested amendments to the environmental permit allows for their implementation without compromising the significance of the environmental impact. This assessment reliably identifies and describes the impact of the requested amendments and can be the basis for reducing the scope of mitigation measures or monitoring the investment's impacts. Furthermore, the investor pointed to the provision in point B.IV.3.7 of the environmental permit of 30 November 2021, which was not covered by the application to amend the permit, and which allows the authority to change the scope or timing of monitoring (e.g., extend it) based on the monitoring results provided, or, if necessary, to implement other mitigation measures, including changing the scope of the WTG shutdown/reduction system.

Taking into account that the local authority is related to the content and scope of the Party's application to amend the environmental decision and the opinion issued constitutes a modification of the requested changes proposed by the investor, which resulted in a departure from the content of the investor's application in this respect – the comments submitted by the investor were taken into account.

Due to the need to perform activities arising from applicable regulations, as well as the complex nature of the case, notifications dated 30 May 2025, 27 June 2025, and 14 July 2025 provided notice of a later date for issuing the environmental decision, i.e., by 21 July 2025.

After analysing the materials submitted during this proceeding and taking into account the positions of the authorities participating in the proceeding, as well as the results of the proceeding culminating in the issuance of the environmental decision on 30 November 2021, this authority fully considered the changes proposed by the investor in the application to amend the environmental decision issued on 30 November 2021, including the project parameters, as well as the amendment and deletion of some of the conditions specified in the aforementioned decision, based on the following considerations.

Concerning the project parameters, the change requested by the investor leads to a reduction in the number of turbines (from 44 to 25) while increasing the maximum installed capacity (to 440 MW) and thus higher expected annual energy production (up to 1,760,000 MWh), increasing the height of WTGs (from 300 m to 327 m) and the diameter of each individual rotor from 250 m and an area of 49,087 m^2 to 305 m and an area of 73,062 m^2, while maintaining a minimum clearance between the lower position of the blade and the sea surface of 22 m. However, as a result of the investment implementation, the maximum area of all rotors installed within the offshore wind farm will be reduced from 2,159,828 m^2 to 1,826,550 m^2. WTGs will be distributed throughout the area designated for the wind farm. The target number and locations of WTGs will be specified at the construction design stage, taking into account the results of detailed geotechnical and wind surveys carried out by the investor, and they will be known only after the design work is completed. At this stage, it is planned to construct a maximum of one offshore power/transformer substation (OSS), which will be located within the development area resulting from the decision permitting the construction and use of artificial islands, structures, and facilities in Polish maritime areas for the project of "Baltic II Wind Farm with associated infrastructure." Its final location will be determined by optimising the arrangement of cable connections between the WTGs. The internal cable connection system within the project area will consist of three-core submarine power cables connecting the wind turbines to the OSS, as well as the necessary telecommunications and communication links in the form of fibre optic lines. The number of cable lines and their length will depend on the number of offshore WTGs, their capacity, location, and interconnections between them.

The entire WTG structure will consist (from bottom to top) of a monopile foundation, a transition piece, a tower, a nacelle, and three rotor blades. When constructing WTGs, the TP-less method of assembling the tower (directly on the foundation, without a transition piece) is also used. The final decision on the assembly technology used, with or without a transition piece, will be made at a later stage of the project development. The WTG foundation will be a monopile with a maximum diameter of 11.4 m. The maximum seabed area occupied by a single monopile will be no more than 123 m^2, while for a maximum of 25 WTGs, the area occupied by the turbine foundations will be no more than 5,412 m^2. The installation consists of driving the pile into the seabed using a hydraulic hammer or vibrohammer, or drilling it into the seabed. Installation involves driving the pile into the seabed using a hydraulic hammer or vibratory hammer. It is also possible to use Drive-Drill-Drive technology (DDD technology – driving-drilling-driving), which is a combination of pile driving and drilling, depending on the type of seabed. The foundation depth on the seabed will be approximately 25–43.5 m. If the pile driving stops before the intended target depth, it is planned to use technology to remove sediment from the pile interior to enable further driving and to spread the extracted material around the monopile. The expected amount of natural material within the monopiles to be distributed over the construction area is 35,520 m^3, covering the planned surface of 18,000 m^2. Without taking into account interruptions due to unfavourable weather conditions and/or drilling, the installation of a single monopile will take approximately 24 hours. A transition piece will be installed at the top of the monopile, which will serve as a connection between the monopile and the WTG tower. Both the foundation, including the monopile and transition element, and the tower will be made of steel that meets applicable regulations and guidelines. Anti-washout protection may be required around each monopile. The final decision in this respect will be made at the stage of preparing the construction design, and it is assumed that the total area covered by the protection of the seabed around the structure against washing out or spreading of natural material obtained during the construction process, assuming the maximum number of WTGs in the requested variant, will amount to 50,700 m^2.

The SN/NN offshore substation, measuring approximately 100 m x 100 m x 100 m (length x width x height), will consist of a foundation and a top section. The station will be sited on foundations that, at the project design stage, will be selected to match the final dimensions of the facility and the

geotechnical and hydrotechnical conditions of the seabed at the installation site. A monopile foundation with a maximum diameter of 11.4 m or a jacket foundation with three piles with a maximum diameter of 4 m is planned. The base will be made of steel. The upper section of the transformer station will consist primarily of a steel enclosure with several levels containing the necessary electrical and auxiliary components, such as the transformer, switchgear, shunt reactor, cooling systems, etc. The upper section will also house cranes for moving materials to and from the transformer station during wind farm operation. The total weight of the transformer station is expected to be up to 4,000 tonnes.

The change in the investment parameters and the scope of foundation (piling) work will result in a change to Annexes No. 1, "The Investment Overview," and No. 2, "The Investment Location." The location of the project is set out in the decision on environmental conditions issued on 30 November 2021, which shall read as in Annexes No. 1 and No. 2 to this decision and its implementation conditions in points **B.II.2** and **B.II.5**.

The cables forming the internal power grid, connecting the WTG with the substation, will be designed for operation at an alternating voltage of 33 ÷ 66 kV or higher and will be constructed as three-core lines with a shielded copper or aluminium conductor with a conductor cross-section of up to 1200 mm² and an outer diameter of up to approx. 181 mm and a mass of 65 kg/m in air or smaller aluminium cables with a cross-section of up to 240 mm^2 and an outer diameter of approx. 146 mm and a mass of 30 kg/m in air, although these values may change at a further design stage. The internal network cables will be laid by burying them in the seabed to a depth of approximately 0.5–2.0 m, or, in the case of unfavourable geological conditions, laid on the seabed using permanent protection. However, at the further design stage, the above assumption may change, and the depth of the cable laid on the seabed may be greater than in the original assumptions. An optical fibre used for data transmission may be an integral part of a power cable or, in special cases, it will be laid separately.

In the FEW Baltic II location area, there occur organisms living at greater depths, and all species of benthic organisms found there are eurythermic, i.e. resistant to temperature changes. Considering the environmental conditions – the absence of rare, protected, or endangered species at the project site, as well as the presence of algae and vascular plants permanently growing on the seabed – the investor's request to remove the condition in point **B.I.2.19** of the decision, which required internal cables to be laid to a depth of 3 m below the seabed surface to limit temperature increases to no more than 2°C, was granted.

As part of the application to amend the environmental conditions decision issued on 30 November 2021, two basic feasible project variants were adopted: the variant proposed by the applicant (the so-called investor variant) (APV), which is also the most environmentally beneficial variant, encompassing the construction of up to 25 wind farms, and the rational alternative variant (RAV), encompassing the construction of up to 44 WTGs, which is the variant included in the applicable aforementioned decision. During the comparative analysis of the two analysed variants of the project implementation, i.e. the investor's variant and the alternative variant, it was indicated that the rational alternative variant poses a greater threat to the environment, especially in relation to migratory birds. This is due to the planned technological solutions, i.e., in the variant requested by the investor, a smaller number of wind farms poses a lower risk of collisions with wind turbines than the alternative variant, which envisages an increase in the number of wind farms by approximately 44 such objects.

Modelling studies of collision risk for individual key bird species/groups showed that, in the case of the variants, the collision risk was identified as follows: for spring and autumn migration, during the daytime, at approximately 815.63 individuals per year in the investor's variant, while in the alternative variant, at 940.15 individuals per year; for spring and autumn migration, during the night-time, at approximately 3,261.85 individuals per year in the investor's variant, while in the alternative variant, at 3,282.22 individuals per year. Considering the overall migratory bird population, the applicant's proposed variant was deemed more favourable. Taking into account the overall resources of

migratory birds, the variant proposed by the applicant was considered more advantageous. For small birds migrating at night, the difference in the number of collisions is insignificant, but nevertheless more favourable for the investor's variant. In addition, the greater number of WTGs, as in the rational alternative variant, also poses a greater risk of mortality for bats.

It should be mentioned here that in the light of the latest geotechnical research conducted by the Investor, which allowed is to determine that the use of the DDD (Drive-Drill-Drive) method may be necessary during the installation of monopile foundations, the set of basic parameters in the APV has been supplemented with additional parameters related to the spreading of excavated material. Based on a simulation of seabed intervention work conducted with the use of the DDD technology, including the process of drilling and discharging the soil material into the water, it was established that the maximum thickness of the new sediment layer formed after the works are completed (in a range of the assumed 150 m from the worksite) is up to 12 mm. It should be emphasised that this value applies only to the finest fraction, which becomes suspended in the water column, and the range of its dispersion may extend at a distance of a little over 2 km. The suspended solids with a mean concentration of 5 $mg \cdot l^{-1}$ will remain in the marine environment for approximately 9 hours after the completion of underwater works. The calculation results obtained in the new modelling for the analysed calculation scenarios taking into account the duration of the deterioration of conditions, the values of suspendes solids concentration, the spatial range of impact and the thickness of newly formed sediments do not show a deterioration of the parameters of disturbance of the marine environment due to works carried out in the FEW Baltic II area causing the agitation of suspended solids. The new variant APV is characterised by a smaller number of WTGs than the variants analysed for the purposes of the applicable DEC, which is reflected in the reduction of the potential negative impacts from the OWF construction. The investor's variant also assumes depositing on the seabed the material excavated during the drilling operations inside the monopiles; however, the conducted modelling allows us to establish that the impacts will not increase for this reason. As a result of the changes assumed, the area of the seabed occupied by the foundations decreases compared to the originally assumed area. Also, the total area planned for the scour protection and spreading of natural material obtained in the construction process during drilling inside the monopiles is smaller compared to the area planned for scour protection assumed in the original assessment. Therefore, changing the investment parameters does not result in increased impacts, including in a transboundary context, compared to those identified during the procedure culminating in the issuance of a decision on environmental conditions. Preparatory works may also be carried out to remove obstacles on the cable routes, such as pre-lay grapnel runs and boulder picking, and to drive the foundation piles of jacket support structures. However, these works will not generate any greater impacts related to sediment transfer than those associated with the piling process. It should also be noted that sediment tests for nutrients and pollutants have shown that the FEW Baltic II area is not polluted, and no exceedance of permissible levels was found for any of the substances. Furthermore, the benthos inventory did not reveal the presence of any rare, protected, or endangered species, nor did any algae or vascular plants permanently grow on the seabed. Therefore, the use of surface protection around the structure and the spreading of natural material do not pose a threat to the marine environment. Given that the process of driving monopiles is one of the least likely to cause sediment dispersion, and that conducting measurements and tests between the driven monopile and the bubble curtain poses a health and safety hazard, the local authority granted the investor's request to remove the condition in point **B.IV.3.1.b)** of the decision regarding the obligation to monitor sediment dispersion during the construction phase. It should also be noted that the range of sediment dispersion will be limited by the very likely use of a large bubble curtain, which, by reducing the density, will cause most of the suspended solids to settle in the area limited by this curtain. Therefore, impacts related to sediment migration during the construction phase will be minimised.

During the procedure concluded with the issuance of the environmental permit on 30 November 2021, a number of studies were conducted to assess the quality of water and seabed sediments in the FEW Baltic II area. To conclude, based on the results of the concentration measurements of harmful substances in the seawater samples collected from a 1-m layer above the seabed, it was assessed that the sea waters in the area of the planned investment are not polluted or are polluted to a very small extent (with petroleum hydrocarbons and caesium-137). Based on the obtained results of measurements of harmful substance concentrations in seawater samples taken from a layer 1 m above the seabed, it was concluded that the seawater in the area of the planned investment is not polluted or is polluted only to a very small extent (petroleum hydrocarbons and caesium-137). The results of the conducted tests also showed that the amounts of heavy metals, pollutants, and nutrients that could be released from the sediment into the water column as a result of sediment disturbance during foundation construction and cable burial in the applicant's variant are low, and often below the quantification limit for concentrations in the bottom sediment. Therefore, it was concluded that the implementation of the project will not result in a deterioration of water quality in the Baltic Sea, nor will it impair the development of benthic organisms, which provide food for ichthyofauna, seabirds, and marine mammals. To confirm the assumptions indicated in the environmental impact assessment report, the investor was obliged to monitor marine waters and sediments during the construction and operation stages of the project.

Due to the lack of identified contamination in the studies conducted so far regarding monitoring of water and seabed sediments during the operational phase of the project, it was requested to waive continuous monitoring and conduct research in the reference area. Instead, it was requested to conduct research at shorter intervals – in the fifth and tenth years after the commencement of operation, while simultaneously increasing the number of measurement stations to 20 locations to increase the accuracy and effectiveness of detecting potential contamination. Regarding monitoring during the construction phase, it was indicated that a one-time water and sediment chemistry study was necessary to establish a baseline for further monitoring studies during the operational phase of the project. The optimum time for conducting these studies was winter (which was only recommended in the issued decision), which allows for limiting the impact of biotic factors, such as algal blooms, which can significantly affect water chemistry parameters. Moreover, following the approach adopted with regard to the monitoring methodology at the operational stage, the investor requested to refrain from conducting research in the reference area. Taking into account the quality of water and bottom sediments in the Baltic II area and the possibility of extending the monitoring period under the provisions of point B.IV.3.7 of the decision, the investor's request to amend the conditions in points **B.IV.3.1.a)** and **B.IV.3.2.a)** of the decision was granted.

With regard to marine mammals – the group of animals most at risk in connection with the implementation of the investment – the amendment to the conditions of the environmental decision concerns the following issues.

As it results from the submitted documents, all established conditions will be met regarding noise emissions and compliance with the appropriate levels of SELss (single acoustic event exposure level) and SELcum (cumulative sound exposure level), i.e. 140 dB re 1 µPa2s SELcum and weighted by the HF function (HF weighting function for marine mammals with high sensitivity to high frequency sounds – harbour porpoise) and 170 dB re 1 µPa2s SELcum and weighted by the PW function (PW weighting function for pinniped marine mammals – seals) at a distance of 8 km from the source and within the boundaries of Natura 2000 areas designated for the protection of porpoises and seals (the nearest are the Swedish Natura 2000 area Hoburgs Bank och Midsjöbankarna SE0330308 located at a distance of approx. 28 km and Ostoja Słowińska PLH220023 located at a distance of approx. 48 km from the investment area). Based on currently available solutions on the market and knowledge of the degree of noise reduction, additional noise reduction measures have been proposed that will reduce the noise generated by driving monopiles to a level that does not cause a potentially negative impact on the

environment. The Investor declares to choose such solutions which will allow for maintaining the declared impact levels and will not cause in any way a decrease in protection of any of the animal groups affected by the investment's impact. During the modelling carried out for the needs of the EIA Report, the near-field mitigation system (NFS) and the double far-field mitigation system (DFFS) were used as mitigation measures, taking into account systems such as IQIP-NMS/IHC-NMS and DBBC. It should be added at this point that in the case of underwater noise, a specific noise level needs to be maintained, and the type/kind of the mitigation measure used does not directly translate into an impact on vulnerable groups of animals; it is only about reducing and not crossing the above-mentioned maximum levels for underwater noise. Additionally, it should be emphasized that the conditions set out in the current decision on environmental conditions, including the use of a "soft-start" procedure, the design and implementation of technical solutions such as an air curtain or other similar technology, noise measurements during piling, while maintaining their expected effectiveness as defined by the maximum noise levels permitted in the marine environment at distances from the piling site specified in the decision, and ensuring, also taking into account other planned wind farms in the immediate vicinity, that no more than two pilings are driven simultaneously, remain unchanged. The effects of the proposed amendment refer to monitoring measures and impact reduction measures, and thus do not generate transboundary impacts. In light of the above, the investor's request to amend the condition in point **B.I.2.17** of the decision regarding the identification of additional noise reduction measures to ensure compliance with the appropriate SELss and SELcum levels within 8 km of the source and the boundaries of the Natura 2000 sites Hoburgs Bank och Midsjöbankarna SE0330308 and Ostoja Słowińska PLH220023 was granted. Furthermore, it should be emphasised that underwater noise measurements will be conducted throughout the piling process to assess noise levels at the boundaries of the aforementioned Natura 2000 sites. If the measurements indicate that the aforementioned threshold, which triggers a behavioural response in harbour porpoises, has been exceeded, pile driving will be discontinued and additional mitigation measures will be implemented. Regarding noise monitoring during the pile driving process, to continuously monitor noise levels, detect exceedances and obtain information on noise at various distances from the pile driving site, additional measurement points have been proposed (at least two monitoring stations in total at the borders of the nearest Natura 2000 sites: Swedish – Hoburgs Bank och Midsjöbankarna SE0330308 – and Polish – Ostoja Słowińska PLH220023; at least four monitored stations in the FEW Baltic II area with a 5 km buffer; and at least one station monitored in real time at a distance of 8 km from the sound source in the main direction of propagation). Research should also be conducted at a point located in the main direction of propagation. The above effects of the proposed changes do not generate cross-border impacts, and the resulting impacts are contained within the original findings of the environmental impact assessment. Therefore, the investor's request to amend the condition in point **B.IV.3.1.d)** of the decision in this regard was granted.

In connection with the submitted application to amend the decision on environmental conditions, a request was made to amend the condition in point **B.IV.3.2.i)** of the decision regarding adapting the noise measurement methodology during the investment's operation to determine the actual impact on the existing noise background. Noise background measurements will be conducted in the central part of the area designated for the wind farm and on the boundary of the Ławica Słupska Natura 2000 site. Following BSH guidelines, measurements will be performed separately for three sea states: wind force 2, 4, and 6 on the Beaufort scale. Each measurement cycle will include four 24-hour measurements, one taken in consecutive quarters. The effects of the proposed amendment refer to monitoring measures and impact reduction measures, and thus do not generate transboundary impacts. Therefore, the investor's request to amend the condition in point B.IV.3.2.i) of the decision in this regard.

During the construction phase of the project, the environmental decision of 30 November 2021 imposed on the investor the obligation to monitor marine mammals to assess the impact of the

investment on the aforementioned group of animals during the construction works. Passive acoustic monitoring was recommended using autonomous C-POD "click" detectors. Given that these devices are no longer manufactured and have been replaced by F-POD detectors, to avoid the consequences of future changes in the types of detectors available on the market, the condition in **point B.IV.3.1.c)** of the decision indicated the need to change the wording "using autonomous C-POD click detectors" to "autonomous porpoise detectors." The change in condition will not result in a negative impact on the environment, including on Natura 2000 areas. Therefore, this decision includes the amendment to the aforementioned condition in this regard. Changing the above condition also results in the need to modify the condition in point **B.IV.3.2.h)** of the decision regarding monitoring of marine mammals at the stage of operation of the project in terms of the detection devices used. Additionally, the investor requested a change in the monitoring duration, i.e., from the previously specified period of 24 months from the completion of work to research conducted in the first year after the completion of the entire OWF, until the re-occurrence of porpoises is confirmed. In the authority's opinion, changing the condition in point B.IV.3.2.h) will enable the monitoring to achieve its objective, which is to assess the response of marine mammals to the operation of the wind farm. Therefore, the scope of the investor's changes submitted in the application to amend the environmental decision in the aforementioned point has been taken into account. Furthermore, it should be noted that based on the monitoring results, the RDEP in Szczecin may decide, for example, to extend the survey period (point B.IV.3.7 of the decision of 30 November 2021). This will ensure effective protection of marine mammals and enable a reliable assessment of the impact of the wind farm's construction and operation.

With regard to ichthyofauna, another group of animals exposed to impacts related to the project, it was requested to waive monitoring during the project's operational phase in the reference area and to limit the monitoring period to two periods: immediately after construction completion and six years after the structure's foundation. The current scope of monitoring included studies immediately after construction completion, and in the third and sixth years after completion of work. The proposed change aims to limit the potential negative impact of the research itself on ichthyofauna, resulting from significant fishing effort (e.g. during inventory research for the Bałtyk I offshore wind farm, approximately 0.8 tonnes of fish were caught in bottom-set nets, and during inventory research for the Baltica offshore wind farm, approximately 1,560.75 kg of fish were caught in bottom-fixed nets) and the non-selectivity of the research tools used. The results of the pre-investment monitoring conducted during the procedure concluded with the issuance of the environmental decision on 30 November 2021, did not indicate the presence of fish spawning grounds, and the observed abundance of fish eggs and larvae was low. Given that the purpose of the monitoring is to verify the assumptions contained in the environmental impact assessment report, according to which the newly constructed foundation structures may provide potential shelter and feeding grounds for many fish species, in the opinion of the authority, the proposed change to the condition in point **B.IV.3.2.c)** of the decision in this regard does not pose a threat to the achievement of the monitoring objectives. Therefore, the amendment to the decision, consisting of a modification of the condition in the aforementioned point of the decision indicated in the investor's application, was considered.

The newly constructed foundations will provide a favourable substrate for the development of so-called "artificial reef", enabling colonization by plant and animal communities, and thus, as previously mentioned, a breeding and development site for early stages of development of many fish species (common seasnail, gobies), or a place of refuge (e.g. for cod). To confirm the above assumptions, the investor was required to conduct benthos monitoring in accordance with the adopted methodology as part of the post-investment monitoring conducted for the environmental impact assessment report in the proceedings culminating in the issuance of a decision on environmental conditions. As part of this procedure, a request was made to separate the macrozoobenthos study from the study of the flora and fauna surrounding the vegetation. Due to the limited number of habitat types and the relatively uniform

geomorphological conditions occurring within the Baltic II Wind Farm area, a request was also made to reduce the number of research stations constituting foundations or support structures from 5 to 3, and to change the survey dates to align them with other monitoring studies conducted within the farm. Given the reduction in the number of WTGs from 44 to 25, the changes requested by the investor in point **B.IV.3.2.b)** of the decision were incorporated. The effects of the proposed amendment refer to monitoring measures and thus do not generate transboundary impacts.

To confirm the above assumptions, the investor was required to address the avifauna, another element of the natural environment that would be affected by the investment and for which a request was made to amend the project implementation conditions specified in Decision No. 14/2021 on environmental conditions.

The migratory bird inventory completed and described for the purposes of this procedure fully enabled the conduct of new collision modelling for the newly defined Investment variants: the investor's variant, which included up to 25 WTGs, and the alternative implementation variant, which included 44 WTGs, which is the variant included in the applicable aforementioned decision.

As previously mentioned, the proposed change to the project will reduce the number of turbines (from 44 to 25), increase their height (from 300 m to 327 m), and increase the diameter of each individual rotor (from 250 m and an area of 49,087 m² to 305 m and an area of 73,062 m²). However, the project will result in a reduction of the maximum area of all rotors installed within the offshore wind farm from 2,159,828 m² to 1,826,550 m², which is crucial for reducing the barrier effect and the risk of collisions with birds.

In connection with the investor's request to amend the environmental permit, a request was made to amend the provisions contained in sections **B.I.3.7, B.I.3.8, and B.II.7** of the permit, relating to the detection system that will be installed at the power plants and connected to the shutdown system. The proposed changes are aimed at defining the character of the monitoring system through function, i.e. applying solutions which will automatically detect the flight paths and automatically assign information, making it possible to define the sizes of the flying birds and flight parameters, i.e. the altitude, speed and shape of the flight paths. At this stage, the investor is required to use a radar system and cameras. Due to the possibility that other, more effective bird detection systems may emerge during the project's implementation, the investor requested the inclusion of a provision regarding the use of solutions other than radar systems, provided that their detection efficiency is no lower than that of radar technology and that they comply with the best available technological solutions in this field. Additionally, the investor requested that the bird migration recording system be capable of detecting at least common cranes, the collisions of which raise the greatest concern in terms of cumulative impacts, and small birds migrating at night due to the potentially high number of potential collisions and the lack of sufficient knowledge regarding their ability to avoid collisions. According to the material submitted as part of the decision amendment procedure, it was determined that the detection system linked to the WTG shutdown system should be applied to cranes, as the predicted number of collisions for this species is the highest among the identified species assessed individually, but also in relation to the assessed species groups. This species was also distinguished as regards the forecast (the cumulative number of collisions in all analysed OWFs) of the percentage share in the estimated abundance of the biogeographical population (approx. 350,000 individuals), which is close to 1% (approx. 0.87%). This suggests that the population is at a substantial risk, and it is necessary to undertake mitigation measures. To compare, the share of collisions in the biogeographic population of the long-tailed duck *Clangula hyemalis* or the common scoter *Melanitta nigra* is 0.005% and 0.074–0.088%, respectively. These differences result from the different flight patterns of these species, in particular the long-tailed duck, which migrates at low altitudes. However, taking into account nocturnal migrants, for which the species composition has not been identified, it was decided to introduce a WTG shutdown system, based on the high number of potential collisions and the accumulation of mass flights in a short time window. Consequently, making

allowances for short interruptions in the functioning of the OWF can significantly reduce the risk of collisions of this group of animals. A period of operation of the shutdown/reduction system has also been requested to be extended to 31 October from the originally planned 15 October, which will allow for a better coverage of the peak seasonal migration period of night migrants at collision altitudes (i.e. from 15 March to 30 April and from 1 September to 31 October).

It should be noted that in this procedure, and, as part of the issuance of a decision on environmental conditions procedure, the precise and current wind turbine height parameters were compared to the bird flight altitudes recorded both by an ornithological radar and as part of visual observations, thus calculating the collision risk. This analysis covered all the bird flights within the rotor range for the options for which a decision amendment was applied for. The presented assessment of the investment's impact on migratory avifauna of each of the analysed project variants, concerning species and flight height, indicated the need for mitigation measures in the form of WTG shut-downs/reductions in relation to cranes and nocturnal migrants.

Taking the above into account, as well as the possibility of changing the scope of monitoring, its extension, and the investor's commitment to implement other mitigation measures (this also applies to changing the scope of the temporary shutdown system if necessary) in accordance with the provisions of the decision in point B.IV.3.7, the scope of changes to the decision conditions in points **B.I.3.7, B.I.3.8, and B.II.7** indicated in the investor's application to amend the decision was taken into account.

With regard to the conditions for conducting avifauna monitoring during the investment operation phase, a request was also made to amend the condition in **B.IV.3.2.e)** of the decision on migratory bird monitoring to adapt the records to the technical capabilities of today's research systems by defining the monitoring functions without specifying the technology in detail. At the same time, it was indicated that monitoring should effectively recognise the flight trajectories, taking into account the species identification of daily migrants, thus enabling the assessment of the effectiveness of designated migration corridors, i.e. areas free from wind farm development, at least 4 km wide, located between FEW Baltic II and OWF Bałtyk II (near the northern part of Słupsk Bank) and between OWF Baltica (in the context of Baltica 2 and Baltica 3) and OWF Bałtyk III (near the northern part of Słupsk Bank). It was also requested to shorten the monitoring period from 4 to 3 years, i.e., in the first and second years after the completion of FEW Baltic II construction. The third year should be scheduled for the year following the commissioning of the Bałtyk II offshore wind farm or in the fifth year after the construction of FEW Baltic II, if the Bałtyk II offshore wind farm is not commissioned within 3 to 5 years of the construction of FEW Baltic II. In the authority's assessment, the effects of the proposed change concern monitoring and impact mitigation measures and therefore do not generate transboundary impacts. The proposed change to the condition in point **B.IV.3.2.e)** of the decision in this regard does not pose a threat to the achievement of the monitoring objectives. Therefore, taking into account the possibility of changing its scope and a possible extension in accordance with point B.IV.3.7 of the decision, the scope of changes to this condition indicated in the investor's application was taken into account.

Furthermore, it was requested to amend the investment implementation condition in point **B.IV.3.2.f)** decisions on monitoring bird collisions/mortality, to standardise the implementation date for monitoring both mortality/collisions and bird migration. The provision regarding the number of devices to be installed has also been clarified, indicating that the automatic bird collision/collision recording system with WTGs should cover at least three WTGs: in the eastern part of the FEW Baltic II area, on one of the outermost wind turbines, located in the immediate vicinity of the FEW Baltic II WTG-free zone near the neighbouring Bałtyk II OWF; on one of the WTGs located in the western part of the FEW Baltic II area; and on one of the WTGs located in the central part of the FEW Baltic II area. The optimum arrangement of devices within the farm will depend on the selected technological solution; therefore, the condition has been supplemented with information regarding the location where the system will be

installed. The proposed change to the condition in point B.IV.3.2.f) of the decision in this respect does not pose a threat to achieving the monitoring objectives; therefore, the investor's request to change the condition in the aforementioned point of the decision has been granted.

During the construction and operation phases of the investment, a possible increase in collisions may occur at night and during poor visibility caused by unfavourable weather conditions during the day (e.g. precipitation, fog) and may result from the fact that birds will be attracted by the lights emitted by the vessels participating in the works. To minimise this risk, the decision of 30 November 2021 obligated the investor to limit the use of strong light sources, such as spotlights, on ships and farm structures at night, and to avoid directing light upwards. This condition also applies to the investment's operational phase. In connection with the application submitted to amend the decision, a request was made to use the specified type of lighting, allowing for the possibility of waiving this type of lighting in cases justified by safety or occupational health and safety requirements. In the authority's assessment, the effects of the proposed change are limited to the original findings of the environmental impact assessment, and therefore, a change to point **B.I.1.5** of the decision was included.

To increase the possibility of birds noticing WTGs, point **B.I.2.20** of the decision on environmental conditions of 30 November 2024, required the investor to paint the blade tips in bright colours, with the option of painting one of the three rotor blades of each wind turbine black to minimise blurring of the WTG's motion. The investor requested that this requirement be removed from the decision, arguing that painting the rotor blades black was inconsistent with applicable law. Under applicable regulations, black is not authorised for marking air obstacles, and the use of such a colour requires a special permit. The rules for marking WTGs for the aviation safety purposes are set out in §27 of the Regulation of the Minister of Infrastructure of 12 January 2021 on air traffic obstacles, obstacle limitation surfaces and dangerous devices (Journal of Laws 2025, item 903). Another risk is that the guarantee issued by the WTG manufacturer may be lost due to interference not foreseen in their specifications by painting one of the rotor blades black and concern about the actual consequences in the form of, among others, uneven wear of the turbine blades threatening serious damage to the WTG. Due to the above, this decision has incorporated the deletion of the condition in point B.I.2.20 of the amended decision.

To enable rational and phased execution of the work, consisting of the sequential assembly of: first, the foundations of all power plants, then the towers, and then the nacelles and rotors, until the entire work is completed, a request has been made to amend the condition in point **B.I.2.18** of the decision. The original wording of the condition may suggest the need to construct additional power plants in the immediate vicinity. Taking into account the varying construction schedules for individual power plant components, which require different work organisation, this decision has incorporated the amendment to point B.I.2.18 of the decision. The effects of the proposed amendment are consistent with the original findings of the environmental impact assessment and therefore do not generate transboundary impacts.

As it follows from the analysis of the submitted materials, the implementation of the investment covered by this procedure will not cause any changes in the environment located outside the area covered by this procedure, nor in other elements of the environment in relation to the impacts specified in the procedure concluded with the issued decision No. 14/2021 on environmental conditions of 30 November 2021. Therefore, the environmental conditions in the remaining scope not covered by this procedure, established in the above-mentioned decision on environmental conditions, are left unchanged. The planned change to the project's parameters and the modification or removal of conditions in the aforementioned decision will not generate new transboundary impacts or increase those originally assessed. Therefore, the findings of the previously conducted transboundary impact assessment remain valid for the project as implemented under the amended decision.

It should also be noted that, regardless of the issues raised in the environmental impact assessment, the investor's actions and obligations are not limited to the findings made for the purposes of the environmental decision. The investor is obligated to take all necessary actions and comply with all

necessary rules, procedures, and instructions arising from generally applicable laws, including regulations issued by the relevant maritime authorities. The implementation of an offshore wind farm project requires the development of a number of additional expert opinions and analyses, the findings of which will address technical issues and broadly understood safety. These analyses will result, *inter alia*, in identifying obligations on the legal grounds, the enforcement of which may turn out to be essential irrespective of the findings made and included in the positions of authorities responsible for environmental impact assessments. For this purpose, the investor has prepared the following expert opinions on the FEW Baltic II, which have been approved by the relevant authorities, most of them by the Maritime Office in Szczecin: *Expert opinion on the assessment of the impact on the National Maritime Safety System*; *Expert opinion on the assessment of the impact on national defence systems*; *Expert opinion on the assessment of the impact on Polish sea areas A1 and A2 of the Maritime Operational Communication System of the Maritime Search and Rescue Service*; *Navigational Impact Analysis for the Assessment of the safety and efficiency of vessel navigation in Polish Sea Areas*; *Expert opinion on the assessment of the impact on the radar imaging system and technical observation of maritime radio communications of the Border Guard*; *Emergency Plan*; and *Rescue Plan for Combating Threats and Pollution*.

It is also emphasised that, after analysing the submitted documents, no grounds were identified, as specified in Art. 82, par. 2 of the EIA Act, indicating the need to require a reassessment of the project's environmental impact as part of the procedure for issuing the decisions referred to Art. 72, par. 1, point 1 of this Act.

Under the Environmental Impact Assessment Act, the authority conducted an environmental impact assessment procedure for the planned project, including, in particular, ensuring public participation in the procedure.

Due to the need to amend the project's parameters, this decision amended Annex No. 1, “The Investment Overview,” and Annex No. 2, “The Investment Location,” to the decision issued on 30 November 2021.

Therefore, the ruling was made as set out in the operative part.

INSTRUCTIONS

The parties may appeal this decision through the Regional Director for Environmental Protection in Szczecin to the General Director for Environmental Protection within 14 days of its delivery. However, the parties have the right to waive the right to appeal. On the date of service of the declaration of waiver of the right to appeal by the last party to the proceedings on the public administration authority, the decision becomes final and binding under Art. 127a of the Code of Administrative Procedure.

By authority of the Regional Director for Environmental Protection in Szczecin
The Second Deputy Regional Director
for Environmental Protection in Szczecin
Andrzej Miluch
/- document signed digitally/

To:

1. Mr Juliusz Gajewski
   Maritime Institute at the Gdynia Maritime University ul. Roberta de Plelo 20, 80-548 Gdańsk
   Representative of RWE Offshore Wind Poland Sp. z o.o.

Courtesy copy (ePUAP/eDelivery) to:

1. General Directorate for Environmental Protection, Aleje Jerozolimskie 136, 02-305 Warszawa
2. Director of the Maritime Office pl. Stefana Batorego 4, 70-207 Szczecin
3. State Border Sanitary Inspector in Szczecin, al. Wojska Polskiego 160, 70-481 Szczecin
4. Regional Directorate for Environmental Protection in Gdańsk, ul. Chmielna 54/57, 80-748 Gdańsk