

Open debate on restricted areas

In light of the current geopolitical situation, particularly the ongoing war in Ukraine, Poland urgently needs to strengthen its national defense capabilities and develop military infrastructure. This growth is driven not only by the general necessity to increase defense potential but also by the necessity to reshape it. The framework, frozen since the Warsaw Pact era and focused on defending the Oder border, now needs a complete 180-degree redirection, requiring entirely new investments, including new military units.

Moreover, there is a practical necessity to "catch up" with the intensive military equipment purchases of recent years. All these helicopters, ammunition carriers, tanks, artillery systems, and associated ammunition must be stored somewhere, and the personnel required to operate them must be provided with appropriate infrastructure. Meanwhile, if developers lament prolonged procedures and bureaucracy, the civilian investment process in Poland appears reminiscent of the bureaucratic hurdles in The Twelve Tasks of Asterix.

Effective legal tools are needed to implement these ventures swiftly. A new draft law prepared by the Ministry of Defence proposes comprehensive solutions to streamline the execution of strategic defense investments in Poland by simplifying administrative procedures and expediting access to land necessary for such projects. The draft, developed on 22 October 2024, is currently under review. Consultations are ongoing to incorporate feedback and ensure compliance with other legal acts.

Strategic defense investments are to be carried out in restricted areas, primarily on land "belonging" to the Ministry of Defence. However, it will also be necessary to acquire land from the market. The draft law comprehensively regulates expropriation procedures, and indemnity issues related to it. Owners of expropriated plots will receive financial compensation determined by the provincial governor. Importantly, additional benefits, such as a lump sum for relocation costs or increased compensation for expedited property handover, have been proposed. These measures aim not only to protect property owners' rights but also to significantly accelerate expropriation procedures, ensuring investments can proceed without undue delays.

The draft law envisions that defense investments will be implemented based on a Decision Authorising the Realisation of Strategic Investments (DRSI). This decision, issued by the provincial governor within 90 days of the application submission, simplifies and expedites the process.



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The DRSI resembles the already familiar road investment permits known as “ZRID”. Similarities include the timeframe for issuing the decision and the comprehensive nature of the decision itself. The DRSI will also be a “three-in-one” decision, covering the investment authorization (equivalent to a building permit), land division, and expropriation decisions. The DRSI will precisely define the area's boundaries, protective zones, and requirements to safeguard third-party interests. Notably, this decision exempts forest and agricultural land from protective regulations, eliminating the need for additional permits. As a result, work on strategic investments will commence much more quickly.

It seems the ZRID decision now has a little sister, benefiting from its proven framework. Let's hope this ambitious and energetic younger sibling avoids the growing pains typical of new legal regulations. Ideally, this tool will prove effective, enabling us to anticipate similar investment facilitation in the civilian market in a secure country - rather than humming “you’re in the army now” tune under our breath.

Do you want to know more? Contact us!

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