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## PROHIBITION OF THE USE OF SOUND SYSTEMS AND EQUIPMENT — ARTICLE 156 OF THE ENVIRONMENTAL PROTECTION ACT

Since the 1970s, attention has been drawn to the fact that environmental factors have a significant impact on human health, alongside lifestyle, genetic factors and the organisation of the health care system<sup>2</sup>. The approach taken to this issue, as set out in 1974 by Marc Lalonde, was developed over the following years and was reflected, among others, in the strategy 'Health for All by 2000', which was compiled by the World Health Organisation in 1977–79. The Strategy sets out the main lines of action for Member States to ensure the health of their citizens, including the promotion and dissemination of healthy lifestyles and behaviour, the provision of basic health care that is adequate, accessible and acceptable to all, and the reduction of disease and health disorders by reducing risk factors and protecting the environment<sup>3</sup>.

Currently, in the Polish legal system, issues related to environmental protection are regulated by the Environmental Protection Act of 27 April 2001<sup>4</sup> (hereinafter referred to as EPA), which contains general principles governing environmental law, definitions and basic concepts common to all of the relevant legal acts, rather than being a comprehensive legal regulation. In accordance with Article 3(13) of the aforementioned Act, environmental protection should be understood as taking up or abandoning actions which make it possible to preserve or restore the natural balance. In particular, this protection is supposed to involve the rational shaping of the environment, the management of environmental resources in accordance with the principle of sustainable development, the restoring of natural features to their proper state, and the prevention of pollution.

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<sup>3</sup> *Ibid.*, p. 509.

<sup>4</sup> Consolidated text, DzU of 2019, item. 1396 — EPA.

Pollutants are understood as emissions that may be harmful to human health or the environment, may cause damage to material goods, may deteriorate the aesthetic value of the environment, or may interfere with other, legitimate ways of exploiting the environment<sup>5</sup>, while emissions should be understood as substances, and energies, such as heat, noise, vibrations and electromagnetic fields, introduced directly or indirectly into the air, water, soil or earth as a result of human activities<sup>6</sup>. Environmental protection law attaches great importance to the issue of emissions, which is a consequence of its preventive role and the importance of protection against emissions<sup>7</sup>. A relatively new area of interest in this respect is noise control<sup>8</sup>. However, the legislator's aim is not to eliminate noise as such, as its emission within the legal limits is not against the law, but to achieve the proper acoustic state<sup>9</sup>.

"It is part of Community policy to achieve a high level of health and environmental protection, and one of the objectives to be pursued is protection against noise. In the Green Paper on Future Noise Policy, the Commission addressed noise in the environment as one of the main environmental problems in Europe." These are the words which start Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise<sup>10</sup>.

The legislator has specified that noise is defined as any sound between 16 to 16,000 Hz<sup>11</sup>. Defined as such, noise is all sounds within the limits of human hearing, since only infrasound (below 16 Hz) and ultrasound (above 16,000 Hz) have been excluded<sup>12</sup>. Under this definition, noise differs from its common meaning, used to refer to loud sound disturbing the peace and quiet<sup>13</sup>.

A definition closer to what is commonly understood by noise was included in the aforementioned Directive of the European Parliament and of the Council. It states that "environmental noise is unwanted or harmful sound caused by human activities in the open air, such as noise emitted by means of transport, road traffic, rail traffic, air traffic and noise from industrial activities"<sup>14</sup>.

One form of noise control is the prohibition of the use of sound systems or equipment in publicly accessible areas of towns, built-up areas and

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<sup>5</sup> Article 3(49) of EPA.

<sup>6</sup> Article 3(4) of EPA.

<sup>7</sup> B. Wierzbowski, R. Bartosz, *Prawo ochrony środowiska. Zagadnienia podstawowe*, Warsaw 2010, p. 241.

<sup>8</sup> *Ibid.*, p. 247.

<sup>9</sup> M. Górski and others, *Prawo ochrony środowiska. Komentarz*, Warsaw 2011, p. 415.

<sup>10</sup> OJ L 189, p. 12; hereinafter referred to as Directive 2002/49/EC.

<sup>11</sup> Article 3(5) of EPA.

<sup>12</sup> M. Górski and others, *Prawo ochrony...*, *op. cit.*, p. 415.

<sup>13</sup> Słownik języka polskiego online, entry: hałas, <<https://sjp.pwn.pl/szukaj/hałas.html>>, 12 October 2017.

<sup>14</sup> Article 3(a) of Directive 2002/49/WE.

areas intended for recreation and leisure purposes, which is contained in Article 156 of the Polish Environmental Protection Act. This prohibition results directly from the law and does not require a separate interpretation, e.g. in the form of an administrative decision<sup>15</sup>. It is also not possible to specify provisions of the law in a lower-order act, as there is no statutory authority to do so. It is absolute and applies also to maintaining noise within the limits of acceptable standards<sup>16</sup>. The assessment of a given behaviour is not even affected by the fact that it may be accepted by the vast majority of the local community and local government representatives, or that other entities undertake similar activities, as the Act does not make the prohibition dependent on public consultations<sup>17</sup>.

The correct interpretation of the provision may, however, give rise to difficulties, since the terms used in it are not, for the most part, directly defined under the applicable law. Also, those defined are not fully transparent from a practical point of view. Therefore, the individual components of the abovementioned prohibition, which includes the use of sound systems and equipment, need to be analysed. The Environmental Protection Act clarifies that systems comprise<sup>18</sup>:

- stationary technical equipment,
- a set of technologically related stationary technical devices, the legal title to which is held by the same entity and which are located on the premises of one plant,
- structures other than technical installations or their assemblies, the operation of which may give rise to emissions.

As regards the equipment, these are non-stationary technical devices, including means of transport<sup>19</sup>. The broadest term used in both definitions is 'equipment', but the Act does not explain explicitly how it should be understood. In common language, it is an object, i.e. a tool, mechanism or set of mechanisms, or fixture, designed to serve a specific utility function or to perform a specific task, or carry out a specific process, whose construction and functioning are based on physical or chemical processes<sup>20</sup>. However, the legislator uses this word in a slightly different way than is commonly understood. In the context of the entire Act, it should be assumed that technical equipment is devices of a 'machinery' character, i.e. devices containing certain mechanisms or their combination, including

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<sup>15</sup> Judgement of the Regional Administrative Court in Szczecin of 9 December 2004, Ref. No. SA/Sz 697/03, <<http://orzeczenia.nsa.gov.pl/doc/8F53A06A4A>>, 9 February 2018.

<sup>16</sup> Judgement of the Regional Administrative Court in Szczecin of 11 October 2006, Ref. No. SA/Sz 613/06, <<http://orzeczenia.nsa.gov.pl/doc/C5D2A5CC07>>, 9 February 2018.

<sup>17</sup> Judgment of the Regional Administrative Court in Szczecin of 9 December 2004, Ref. No. SA/Sz 697/03, <<http://orzeczenia.nsa.gov.pl/doc/8F53A06A4A>>, 9 February 2018.

<sup>18</sup> Article 3(6) of EPA.

<sup>19</sup> Article 3(42) of EPA.

<sup>20</sup> M. Górski *et al.*, *Prawo ochrony...*, *op. cit.*, p. 57.

'tools' which are parts of machinery, but which can also be directly used by people, whose functioning is based on physical or chemical processes, and which are designed and constructed for the purpose of specific activities aimed at achieving desired objectives<sup>21</sup>. As far as sound equipment is concerned, it is all devices whose 'purpose is to transmit sound so that it can reach all hearers within the sound transmission range of a given system or device'<sup>22</sup>. According to the quoted definitions, it should be assumed that among devices whose use is prohibited under Article 156 of EPA, there are, e.g. a chiming clock installed on a building and emitting sound through loudspeakers<sup>23</sup>, sound systems placed in restaurant gardens, as well as loudspeakers mounted on a vehicle, through which so-called mobile ads are transmitted.

The use of the abovementioned systems and equipment is prohibited only in specified places, i.e. in publicly accessible urban areas, built-up areas, and areas intended for recreation and leisure purposes. However, what the legislator has failed to define is what the perimeters of the indicated areas are.

'Publicly accessible urban areas' is a phrase similar to terms appearing in other legal acts, such as a public place<sup>24</sup>, a place open to the public<sup>25</sup>, areas for public use<sup>26</sup>, and the area of public space<sup>27</sup>. A public place means a place open to the public. It is a certain real-life space that is generally accessible to a larger number of people and to which access is not restricted in any way, e.g. a street, a park, a shop, etc<sup>28</sup>. or to which access is restricted by indicating the maximum number of persons who can be there and by requiring a right to stay there, e.g. in the form of a ticket, but still potentially accessible to anyone, e.g. a train, cinema or sports stadium<sup>29</sup>. If the group of individuals authorised to be present in a given space is strictly determined, then it is not a public place<sup>30</sup>.

A place accessible to the public is a room or an area which can be accessed by an unlimited number of people<sup>31</sup>, for instance a staircase

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<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*, p. 662.

<sup>23</sup> Judgment of the Supreme Administrative Court of 21 February 2006, Ref. No. II OSK 339/05, <<http://orzeczenia.nsa.gov.pl/doc/E7986966B9>>, 9 February 2018.

<sup>24</sup> For instance Article 49, 51, 58, 63a, 141 of the Act of 20 May 1971 — Code of Petty Offences (consolidated text DzU of 2019, item 821).

<sup>25</sup> For instance Article 79, 145 CPO.

<sup>26</sup> For instance Article 144 CPO.

<sup>27</sup> Article 2(6) of the Act of 27 March 2003 on Spatial Planning and Development (consolidated text DzU of 2018, item 1945); referred to as ASPD.

<sup>28</sup> P. Daniluk, (Ed.), *Kodeks wykroczeń. Komentarz*, Warsaw 2016, p. 302.

<sup>29</sup> J. Bafia, D. Egierska, I. Śmietanka, *Kodeks wykroczeń. Komentarz*, Warsaw 1980, p. 128.

<sup>30</sup> P. Daniluk, (Ed.), *Kodeks wykroczeń...*, *op. cit.*, p. 925

<sup>31</sup> *Ibid.*, p. 516.

or a yard which can be entered by anyone<sup>32</sup>. It is also pointed out that the concept in question is the same as a public place<sup>33</sup>.

On the other hand, according to the Act on Spatial Planning and Development, public space is of particular importance for satisfying the needs of the inhabitants, improving their quality of life, and fostering social contacts due to its location and functional and spatial features, as defined in the study of the conditions and directions of spatial development of the community<sup>34</sup>.

The meaning of any of the normative phrases discussed above does not fully coincide with the notion of 'publicly accessible urban areas', but their meanings merge with it and partially overlap. Taking all of them into account, it can be concluded that publicly accessible town areas are all properties located within the town, regardless of their form of ownership, provided that access to them is possible without any restrictions<sup>35</sup>.

This prohibition also applies to built-up areas and areas intended for recreation and leisure purposes, regardless of whether they are located in the town or outside of it. The nature of such areas should be assessed mainly on the basis of the provisions of the local spatial development plan and the actual manner of development<sup>36</sup>.

The provision states that it is forbidden to use sound systems and equipment in the indicated places, so by reasoning *a contrario*, the prohibition does not violate the use of them in areas closed and inaccessible to public use, even if they affect publicly accessible areas<sup>37</sup>.

As mentioned above, the prohibition described above is absolute, but the legislator has provided for certain exemptions to its application. Pursuant to Article 156(2) of the Environmental Protection Act, it does not apply to occasional religious ceremonies, festivities and events, sporting, commercial, entertainment and other legal gatherings, as well as to the announcement of information serving public security. The provision states that the use of devices and systems during the indicated celebrations is excluded from the prohibition, so it is forbidden to continue using them outside of the date and place of the abovementioned celebrations.

Occasional celebrations are irregular meetings related to, or intended to commemorate, an event considered important<sup>38</sup>. The use of such devices is not prohibited during the course of the event only if they are legally organised. If their organisation requires the appropriate agreement of the administrative authorities, they should also take into account noise nuisance during the decision-making process.

Occasional requirements are not applicable to commercial, sporting and entertainment events. These events are public events that are

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<sup>32</sup> J. Bafia, D. Egierska, I. Śmietanka, *Kodeks wykroczeń...*, *op. cit.*, p. 189.

<sup>33</sup> P. Daniluk, (Ed.), *Kodeks wykroczeń...*, *op. cit.*, p. 944.

<sup>34</sup> Article 2(6) of ASPD.

<sup>35</sup> M. Górski, [in:] Górski *et al.*, *Prawo ochrony...*, *op. cit.*, p. 662.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*, p. 663.

<sup>38</sup> *Ibid.*

organised for a specific purpose, such as a competition, concert or fair<sup>39</sup>. According to the Major Events Security Act<sup>40</sup>, a sporting event is an event aimed at sporting competition or popularising physical culture<sup>41</sup>, whereas an artistic and entertainment event is an event of artistic and entertainment character or an organised public viewing of a television broadcast<sup>42</sup>.

However, in the case of religious festivities and events, which also do not have to be occasional, the type of worship is not indicated. It should be assumed that they are events organised by religious communities operating in accordance with the law, in particular the Law on Guarantees of Freedom of Conscience and Religion<sup>43</sup>. This Act requires the registration of churches and other religious associations. A refusal to make an entry in the register kept by the minister in charge of religious denominations may take place only if the application contains provisions which are contrary to the provisions of acts protecting public safety and order, health, public morality, parental authority or fundamental rights and freedoms of other persons<sup>44</sup>. Currently, 165 churches and religious associations are registered in Poland, including, for example, Jehovah's Witnesses<sup>45</sup>.

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<sup>39</sup> *Ibid.*

<sup>40</sup> Act of 20 March 2009 on Major Events Security (consolidated text, DzU of 2018, item 1870).

<sup>41</sup> Article 3(3) of the Major Events Security Act contains a definition of the term 'mass sports event' - 'it shall be understood as a mass event aimed at sports competition or popularisation of physical culture, organised at:

a) a stadium or other facility which is not a building, where the number of places made available by the organiser for persons, determined in accordance with the provisions of the building law and fire protection regulations, is not fewer than 1000, and in the case of a sports hall or other building allowing for the organisation of a mass event, not fewer than 300,

(b) premises enabling a mass event to be held in which the number of places for persons made available by the organiser is not fewer than 1,000'.

<sup>42</sup> Article 3(2) of the Major Events Security Act contains a definition of the notion of a 'major art and entertainment event' - 'it shall be understood as an event of artistic, entertainment character, or an organised public viewing of a television broadcast on screens or devices enabling an image to be obtained with a diagonal size exceeding 3 m, which is to be held:

a) at a stadium, in another facility which is not a building or in an area enabling a mass event to be held, where the number of places made available by the organiser, determined in accordance with the provisions of the construction law and fire protection regulations, is not fewer than 1,000.

(b) in a sports hall or other building enabling a mass event to be held, in which the number of places for persons made available by the organiser, determined in accordance with building regulations and fire protection regulations, is not fewer than 500'.

<sup>43</sup> The Act of 17 May 1989 on Guarantees of Freedom of Conscience and Religion (consolidated text, DzU of 2017 item 1,153).

<sup>44</sup> *Ibid.*, Article 33(2) of the Act on Guarantees of Freedom of Conscience and Religion.

<sup>45</sup> Churches and religious associations entered in the register of churches and other religious associations - as of 24 January 2018, <<https://mswia.gov>.

In addition, there are 15 churches and religious associations not included in the register, including Catholic churches, Muslim religious associations and Jewish communities<sup>46</sup>. The District Court of Law in Siedlce<sup>47</sup> ruled that the use of chimes mounted on the tower of a church is subject to the exclusion in question, provided that they are used to display ceremonies related to religious worship. The chimes in the above case consisted of four loudspeakers emitting sounds imitating the sound of a bell and occasional liturgical melodies. Initially, they were turned on every hour, at which point - according to the court - they were more like a clock, and such behaviour violated the statutory ban. However, when their operation was eventually limited to 5 activations per day for about one and a half minutes each time, and their activation communicated important religious celebrations during the day, it was legally permissible. Striking the hour and playing songs at 7:00, 12:00, 15:00, 18:00 and 21:00 served to highlight the importance of religious worship and religious services. Activating them for other purposes would violate applicable laws.

After mentioning the aforementioned circumstances, the legislator concludes that the prohibition does not apply to 'other legal assemblies' either. The word 'legal' points out that such meetings are to be held in accordance with the current legislation<sup>48</sup>. The Assembly Law<sup>49</sup> specifies that an assembly is a grouping of people in open spaces accessible to persons not defined by name in a specific place in order to hold joint meetings or to express a common position on public matters<sup>50</sup>. It is worth noting that the legislator has resigned from the Act of 5 July 1990, which has already been repealed. The Law on Meetings<sup>51</sup> requires that it be a grouping of at least 15 participants. The intention to organise such an event requires prior notification to the municipal authority, which is to be submitted in such a way that the message reaches the authority no earlier than 30 days and no later than 6 days before the planned date of the meeting<sup>52</sup>. The information about the fact of making the notification and about the place and date of the meeting is immediately published on the website of the parish authority in the Public Information Bulletin<sup>53</sup>. Information

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pl/pl/wyznania-i-mniejszosci/relacje-panstwa-z-kosci/13964,Relacje-panstwa-z-Kosciolami-przydatne-informacje-dokumenty-i-akty-prawne.html>, 6 February 2018.

<sup>46</sup> List of churches and religious associations operating pursuant to separate acts - as of 20 June 2016, <<https://mswia.gov.pl/pl/wyznania-i-mniejszosci/relacje-panstwa-z-kosci/13964,Relacje-panstwa-z-Kosciolami-przydatne-informacje-dokumenty-i-akty-prawne.html>>, 6 February 2018.

<sup>47</sup> Judgement of the District Court in Siedlce on 24 January, Ref. No. II Ka 629/13, <<http://orzeczenia.siedlce.so.gov.pl>>, 9 February 2018.

<sup>48</sup> M. Górski [in:] Górski *et al.*, *Prawo ochrony...*, *op. cit.*, p. 663.

<sup>49</sup> Act of 24 July 2015 - The Law on Assemblies (DzU of 2019, item 631).

<sup>50</sup> *Ibid.*, Article 3(1).

<sup>51</sup> DzU of 1990, Vol. 51, item 297.

<sup>52</sup> Article 7(1) of the Law on Meetings.

<sup>53</sup> Article 7(3) of the Law on Meetings.

about a ban is also placed there<sup>54</sup>. A special type of gathering is a spontaneous gathering that takes place in connection with a sudden and unforeseeable event related to public life, the holding of which at a different date would be pointless or of little importance from the point of view of public debate<sup>55</sup>. Such a meeting does not require prior notification to the parish council, while preserving its legality. In addition, in the case of regular meetings, it is possible to organise them after obtaining a decision of the province governor<sup>56</sup>. The governor, along with issuing a decision on the permission for regular meetings, publishes on the website of the Public Information Bulletin information about the place and dates of meetings organised on a regular basis<sup>57</sup>. Incidentally, it is worth noting that the organisation of a meeting without the required notice is an offence under Article 52 of the Code of Administrative Offences. For example, a man was sentenced for violating the prohibition under Article 156(1) of the Environmental Protection Act, who - using a sound system - informed the inhabitants of his town about a referendum initiative<sup>58</sup>. The court found that in this situation, none of the circumstances excluding the liability from the provision referred to above occurred. The incident was not an occasional celebration or other religious, sports, commercial or entertainment event, and the activities of the charged person did not serve to make public information or communications serving public safety. There were also no grounds for considering the event to be a legal one, as the man failed to satisfy the obligation to notify the parish council before the date of the event. Pursuant to Article 343 of the Environmental Protection Act, a violation of the aforementioned prohibition constitutes an offence and is subject to a fine. The subject of legal protection in case of this offence is the state of relative silence in the publicly accessible areas of towns, built-up areas and areas intended for recreation and leisure purposes, which may be disturbed by the use of sound systems or equipment<sup>59</sup>. The offender may be any person capable of criminal liability without regard to his or her particular characteristics, and may include either a natural person who habitually uses the environment or a person representing organisational units that use the environment in a noise-emitting manner<sup>60</sup>. The offence may be committed either intentionally or unintentionally. This results from general regulations contained in the Code of Administrative Offences - in accordance with Article 5, an offence may be committed both intentionally and unintentionally, unless the Act provides

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<sup>54</sup> Article 15(1) of the Law on Meetings.

<sup>55</sup> Article 3(2) of the Law on Meetings.

<sup>56</sup> Article 26b(1) of the Law on Meetings.

<sup>57</sup> Article 26b(2) of the Law on Meetings.

<sup>58</sup> Judgement of the District Court in Elblag, 14 May 2013, Ref. No. VI Ka 161/13, <[http://orzeczenia.elblag.so.gov.pl/content/VI\\$0020Ka\\$0020161\\$002f13/1510100000003006\\_VI\\_Ka\\_000161\\_2013\\_Uz\\_2013-05-14\\_001](http://orzeczenia.elblag.so.gov.pl/content/VI$0020Ka$0020161$002f13/1510100000003006_VI_Ka_000161_2013_Uz_2013-05-14_001)>, 9 February 2018.

<sup>59</sup> M. Górski [in:] Górski *et al.*, *Prawo ochrony...*, *op. cit.*, p. 1,156.

<sup>60</sup> K. Gruszecki, *Prawo ochrony środowiska. Komentarz*, Warsaw 2008, p. 683.



for responsibility only for an intentional offence<sup>61</sup>. It is a formal offence, and therefore the assigning of responsibility to a person under this provision does not require any indication that the action has resulted in any harmful effects from the noise impact. It is sufficient that the person concerned has not complied with the prohibition<sup>62</sup>. Liability is also not dependent on exceeding the acoustic standards of environmental quality, but it should be confirmed that the use of equipment or sound systems has already taken place, as the mere preparation for their use or even attempt to use them is not subject to criminal responsibility.

The function of public prosecutor in the case of the offence in question may be performed by the Police<sup>63</sup>, the head of the parish, the mayor or the president of the city, the head of the county, the marshal of the province or persons authorised by them<sup>64</sup>, as well as the bodies of the Environmental Protection Inspection<sup>65</sup>, also if the request for punishment for the offence has been submitted by another authorised prosecutor.

According to Article 17(3) of the Code of Conduct on Offences, government and local government administration bodies, state control and control bodies of local government and municipal (parish) guards are granted the powers of a public prosecutor only if, within the scope of their activity, also during the course of investigative activities, they have revealed offences and have applied for a penalty. The municipal (parish) police are also empowered to impose fines for such offences<sup>66</sup>.

Penalties against a given entity for an act under Article 343(1) of the Environmental Protection Act do not exclude its civil and administrative liability, because each of these types of liability is characterised by a different role, different methods and other legal instruments which complement each other<sup>67</sup>. In spite of the aforementioned ban and sanctions, evidence of its violation is not hard to find - it is enough to enter 'mobile advertising' in a web browser and there will be offers from at least a few companies providing advertising services using a car with megaphones placed on the roof. On the other hand, on many different forums, Internet users complain about advertisements of universities, banking services, celebration promotions or a musical motif played through loudspeakers

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<sup>61</sup> M. Górski [in:] Górski *et al.*, *Prawo ochrony...*, *op. cit.*, p. 1157.

<sup>62</sup> *Ibid.*

<sup>63</sup> Article 17 (1) of the Act of 24 August 2001 - Code of procedure in cases of minor offences (consolidated text of DzU of 2019, item 1120).

<sup>64</sup> Article 379(4) of the Environmental Protection Act.

<sup>65</sup> Article 14 of the Act of 20 July 1991 on the Inspection of Environmental Protection (DzU of 2019, item 1355).

<sup>66</sup> Paragraph 2(1)(11) of the Regulation of the Minister of Internal Affairs and Administration of 17 November 2003 on offences for which members of parish guards are entitled to impose fines by way of a penalty ticket (DzU of 2003, Vol. 208, item 2026, as amended).

<sup>67</sup> Judgement of the Supreme Administrative Court in Szczecin, 21 February 2006, Ref. No. II OSK 339/05, <<http://orzeczenia.nsa.gov.pl/doc/E7986966B9>>, 9 February 2018.

that signals the appearance of a vehicle selling cotton candy or ice cream in a housing estate. This indicates a weak reaction to the problem on the part of the competent state authorities. The reason for this may be the lack of official complaints from citizens and the failure of the state authorities to notice the problem, but also the lack of transparency of this legislation. This issue deserves more attention, however, as a necessary measure for the protection of human health, understood not only as the complete absence of disease and disability, but also as a state of complete physical, mental and social well-being<sup>68</sup>.

It is commonly pointed out that noise is one of the harmful environmental factors, the presence of which is potentially dangerous for the natural environment and people<sup>69</sup>. A post on the Internet says a lot about what nuisance is caused by the current state of affairs: 'The advertisement can be heard within a distance of several dozen meters from the car. Drivers stuck in a traffic jam behind the BMW can hear a rumble even when the windows are closed. — *I have the impression that more and more of these cars are on our roads and that the advertisements themselves are getting louder and bolder* — a reader using the nickname VIKA writes in a letter to the editorial office. *The last time I was walking with my daughter in the park, the screaming loudspeakers announcing the recruitment to some university scared her to such an extent that she cried and I could not calm her down.* Cars with megaphones placed on the roofs advertise not only universities and banking institutions, but also energy drinks and special events. But they might as well advertise everything. They are cheap and effective, because it is impossible to escape them. But aren't the cities loud enough? Do we need more rumbling and roaring advertisements?<sup>70</sup>.

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<sup>68</sup> Definition according to the World Health Organisation, Karaczun (Ed.), *Ochrona środowiska – współczesne problemy*, Warsaw 2016, p. 283.

<sup>69</sup> Z. Karaczun (Ed.), *Ochrona środowiska...*, ed. cit., p. 284.

<sup>70</sup> B. Dana, *Samochód z megafonem, czyli wyjąca reklama. Nielegalna!*, <[http://lodz.wyborcza.pl/lodz/1,35136,9916898,Samochod\\_z\\_megafonem\\_\\_czyli\\_wyjaca\\_reklama\\_\\_Nielegalna\\_.html?disableRedirects=true](http://lodz.wyborcza.pl/lodz/1,35136,9916898,Samochod_z_megafonem__czyli_wyjaca_reklama__Nielegalna_.html?disableRedirects=true)>, 9 February 2018.

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**Keywords:** environmental protection, noise, noise control, sound equipment, sound systems

**Summary:** Article 156 of the Environmental Protection Act prohibits the use of sound systems or equipment in publicly accessible areas of towns, built-up areas and areas intended for recreation and leisure purposes. This prohibition results directly from the law and does not require a separate interpretation, e.g. in the form of an administrative decision. However, its application in practice can be troublesome due to interpretation difficulties caused by the fact that the terms used in the regulation are not explicitly defined in the applicable law. The author discusses the subjective and objective scope of the prohibition, pointing to examples of judicial decisions, and indicating the consequences of its violation.