



**NATIONS UNIES**  
**COMMISSION ÉCONOMIQUE**  
**POUR L'EUROPE**

**ОБЪЕДИНЕННЫЕ НАЦИИ**  
**ЭКОНОМИЧЕСКАЯ КОМИССИЯ**  
**ДЛЯ ЕВРОПЫ**

**UNITED NATIONS**  
**ECONOMIC COMMISSION**  
**FOR EUROPE**

Environment, Housing and Land Management Division  
Bureau 332  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland

Phone: +41-22-917 2384  
Fax: +41-22-917 0634  
E-mail: [jeremy.wates@unece.org](mailto:jeremy.wates@unece.org)  
Website: [www.unece.org/env/pp](http://www.unece.org/env/pp)

15 January 2009

Ms. Maria Cholewińska, President of the Protest Committee  
Zabianka Housing Cooperative  
Ul. Gospody 10 / ul. Szyprów 9/B/5  
Zabianka 80 335 Gdansk  
Poland  
Tel: +48 58 5579622  
Fax: +48 58 5577541

Dear Ms. Cholewińska,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Poland with the provisions of the Convention in connection with decision-making on the construction of a Sports Hall in Gdansk (Ref. ACCC/C/2008/29)**

On 20 October 2008, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted you on behalf of Zabianka Housing Cooperative, Gdansk, Poland, and addressed to the Compliance Committee of the Convention regarding compliance by Poland with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

The communication has been registered under the symbol ACCC/C/2008/29, which you are invited to cite in future correspondence on the matter.

The Compliance Committee, having considered the preliminary admissibility of the communication at its twenty-second meeting (17-19 December 2008), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication by addressing the following questions:

A. The communication in several instances refers to an Environmental Impact Statement (EIS) Report. To clarify the terminology used and, in particular, the relation of the EIS report referred to in the communication to the environmental impact assessment (EIA) procedure and its public participation requirements, the Committee wanted to check the following:

1. Which procedure of Polish legislation regulates the preparation of an EIS Report? Which authority makes the final decision in the context of this procedure and can such a decision be appealed before the court?
  2. Please explain the Polish procedure leading to the preparation of the EIS report in the context of article 6 of the Convention.
  3. Under Polish legislation, what is the role of the EIS report in the procedure for issuing a building/construction permit?
  4. Does Polish legislation establish any limitations on public participation in the preparation of an EIS?
  5. Under Polish law, who commences the process leading to the preparation of a new EIS report in cases when an administrative court finds breaches in one or several related procedures and requests that a new EIS be prepared?
  6. Does Polish legislation provide for legal remedies to suspend or terminate a construction activity if the administrative permit for such activity has been repealed following the commencement of the construction?
- B. Concerning the events described in the communication:
7. How does Zabianka Cooperative meet the requirements of article 2, paragraph 5, of the Convention?
  8. Please specify under which provisions of the national law the project is subject to an EIA.
  9. To your best knowledge, were the procedures related to "partial" EIS for the project described in the communication carried out in accordance with requirements of national legislation and those of the Convention?
  10. Have you made an attempt to participate in any of the EIS-related procedures? If so, could you please provide more details on the modalities of your participation?
  11. At what stage of the "partial" EIS and in what way was Zabianka Cooperative not permitted to participate?
  12. Did Zabianka Cooperative appeal to court any of the decisions based on "partial" EIS decisions?
  13. Did Zabianka Cooperative at any stage request suspension of the construction activities?

14. What is the current status of the EIS preparation and the permitting procedure?  
Are there any pending administrative or other appeals?

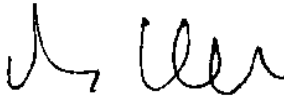
15. Are there any legal remedies available at this stage to Zabianka Cooperative with regard to the public participation aspects of the decision-making procedures in question?

16. Has Zabianka Cooperative requested environmental information related to the project and with what results?

Some of these additional questions have been raised also in a letter to the Party concerned, a copy of which is attached for your information.

We look forward to hearing from you.

Yours sincerely,



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Jeremy Wates

Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Ms. Katarzyna Karpinska, Adviser to Minister, Ministry of Environment of Poland

Encs. Communication ACCC/C/2008/29 including four addenda

Preliminary determination on admissibility

Copy of letter to Ms. Katarzyna Karpinska, Adviser to Minister, Ministry of Environment of Poland

Datasheet on the communication

