

From: Jarosław Mielnik <email address redacted>  
To: Aarhus Compliance,  
Cc: Fiona Marshall, Agata Kosieradzka-Federczyk, Elżbieta Kur, Łukasz Augustyniak , k cisek <email addresses redacted>  
Date: 09/06/2016 12:21  
Subject: Re: ACCC/C/2014/119 (Poland) - the communicant's comments on the Party concerned's email

Dear Ms. Khoroshavina,

Thank you for your email. I understand that the Committee is going to make a decision on that issue before the hearing.

Please take note, that in our opinion the explanation presented by the Communicant is not fully satisfactory. We do not share the opinion of the NGO that clarifications presented by it, do not expand the original communication. The Communicant in its clarification letter pointed out, inter alia, that Public Participation Act fails to implement article 7 of the Aarhus Convention. In original communication, however, there was no such allegation. The Communicant only indicated that there was insufficient evaluation of public consultations which is rather matter of practice and not a failure of legislation. Therefore, in my opinion the clarifications actually expand the substance of the communication and should not be taken into account by the Committee.

However, if the Committee would decide otherwise, we need to be informed about that before the hearing. We prepared our response to the communication basing on the original text. That is why, in case that the clarifications would be taken into account, we believe that it would be fair if the hearing would be postponed to the next session of the Compliance Committee. It would give us time to prepare a new position and gather all necessary information concerning potential failure of the Public Participation Act to comply with the Aarhus Convention.

Please contact me if you need any further information.

Best regards

Jarosław Mielnik

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