



Warszawa, 25, 03, 2015 r.

MINISTER OF THE ENVIRONMENT

**Ms Fiona Marshall
Secretary to the Aarhus Convention
Compliance Committee
UN Economic Commission for Europe
Environment Division
Room429-2
Palais des Nations
CH-1211 Geneva 10
Switzerland**

Dear Ms Marshall,

Further to your information concerning communication PRE/ACCC/C/2015/119 and in advance of the forthcoming meeting of the Compliance Committee, I would like to present a statement of the Ministry of the Environment of the Republic of Poland concerning the above mentioned issue.

The Committee will discuss the preliminary admissibility of communication. The article 21 of the Decision I/7 adopted at the first meeting of the Parties held in Lucca, Italy, on 21-23 October 2002 states that the Committee should at all relevant stages take into account any available domestic remedy unless the application of the remedy is unreasonably prolonged or obviously does not provide an effective and sufficient means of redress.

In part VI of the communication on page 13, which describes use of domestic remedies or other international procedures, the Communicant indicates that "*the judgment of the Polish Supreme Court is still pending*". It means that the Communicant did not use all available domestic remedies. Moreover, the Communicant did not prove that the remedy in this case is unreasonably prolonged or obviously does not provide an effective and sufficient means of redress. Only one of the Administrative Courts judgments (Annex no. 9) attached to the communication PRE/ACCC/C/2015/119 refers to Development Plan for Voivodship. In two cases – Annex no. 3 and Annex no. 4 - judgments refer to completely other legal issues (animal wellbeing). Other attached

judgments refer to local development plans, which are different kind of documents, setting different provisions for spatial planning. Additionally Polish Supreme Administrative Court as well as other administrative courts of Poland are not bound by its earlier judgments. This indicates that the opinion of the Communicant that environmental organizations such as the Communicant are systematically rejected the right to challenge the substantive and procedural legality of decision concerning Spatial and Development Plans that might significantly influence environment is not legitimate.

Concerning the above mentioned fact the Ministry of the Environment of the Republic of Poland is of the opinion that communication PRE/ACCC/C/2015/119 is not admissible.

Best regards

Z. MINISTRA
PODSEKRETARZ STANU
Janusz Ostapiuk