



Warsaw, 25 June 2019.

**MINISTRY OF THE ENVIRONMENT
UNDERSECRETARY OF STATE**

Sławomir Mazurek

DZŚ-IV.465.271.2018.JM

Ms Fiona Marshall
Secretary to the Aarhus Convention
Compliance Committee
UN Economic Commission for Europe
Environment Division
Room 429-2
Palais des Nations
CH-1211 Geneva 10
Switzerland

Dear Ms. Marshall,

I would like to kindly present some comments on the pleas and allegations formulated by the Communicant in his letter of 23 May 2019 submitted in the case ACCC/C/2015/126.

The Communicant alleges that the Party concerned in its letter of 7 April 2019 did not provide the Compliance Committee with any evidence regarding the consultation on the cable variant of power line during the EIA procedure or by the Podlasie Voivode.

The possibility and the costs (both economic and environmental) of constructing cable variant is thoroughly explained in the decision ref. no: WOŚ-II.4202.1.2012.AS of the Regional Director of Environmental Protection in Białystok (RDEP). On page 22 of the decision, RDEP informed that during the drafting of the EIA report a cable variant was analysed for some parts of the line. In the part of the decision which reflects the comments made by the public during the consultation process, one can also find comments related to the cable variant. In response to these comments RDEP explained why the cable variant had not been chosen (pages 37, 42, 43, 47 of the grounds of the RDEP decision). Since such comments were made, how the Communicant may allege that the public has not been informed about the cable variant?

The cable variant was also mentioned in the decision of General Director of Environmental Protection ref. no: DOOS-OAI.4202.3.2013.AL on pages: 13, 14 and 29. The General Director of

Environmental Protection responded to the allegations made by the members of the public and related to the cable variant during the procedure of reviewing of the decision WOŚ-II.4202.1.2012.AS. The General Director explained in which part of the EIA report this variant is analysed.

Furthermore, the Podlasie Voivode relating in the part of the substitute order where he explained how he took into account the comments made by the public during the consultation process also dwelled on the issue of cable line. He explained thoroughly why he dismissed the comments requesting the construction of cable line. The explanations presented clearly shows that the public has been aware of the existence of such a variant.

Taking into account the above-mentioned information, it is clear that there is strong evidence supporting the claim that the public was duly informed about the cable variant of the relevant investment. Accordingly, I would kindly request to dismiss the allegations of the Communicant as being irrelevant to the pending case.

Best
PODSEKRETAŹ STANU
31.10.2012