

Bakałarzewo 16/11/2018

Association "Healthy Commune"
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Ms. Fiona Marshall
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Committee UN Economic
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Environment Division
Room 429-2
Palais des Nations
CH-1211 Geneva 10
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Madam Fiona Marshall

With reference to the letter from the Interested Party of October 16, 2018. in ACCC / C / 2015/126, the Communicator presents:

I.

Summary of notification ACCC / C / 2015/126 - Association Bakałarzewo against the Republic of Poland:

1. The raised issue of the application has occurred and is still practiced and tolerated by the Polish government with regard to all OHL transmission lines in Poland. Violations of the right to reliable information about the investment, the type of technology, its actual location and in particular the long-term influence of the high voltage electromagnetic field on health and quality of life and the value of real estate and the devastation of the natural environment and landscape - is a standard in Poland.

2. Protests and applications of local communities throughout Poland are ignored at every stage of the proceedings by both investors and local governments as well as administrative courts. The problem has increased to such an extent that special laws have been issued that give special rights to investors against local communities and local governments in whose areas investments are located, including linear ones, such as the OHL line, 2x400kV.

3. Even existing legal regulations are often avoided, and the procedures for environmental assessments and public consultations are conducted in the majority of

cases known to us - pro forma. This is due to the lack of professional staff, especially at the level of local self-governments where they bear responsibility for making decisions both; planning, environmental assessments as well as decisions on the location of a public purpose investment. For various reasons, most often justified by the lack of money, expert opinions are not used.

4. There are many years of deficiencies in regulating many problems of environmental impacts of investments, and the law, programs and plans emerging are not consulted with the public. In many cases, laws and regulations are formed under the pressure of lobbyists and politicians without informing the public what enables "appropriate" records, exclusions and "apparent editorial mistakes".

5. Lack of environmental regulations in many areas results in thousands of protests and litigation, this concerns the lack of precise regulations for the location of electromagnetic field sources in the environment and public space of both transmission lines and telecommunications devices. It is worth mentioning here the examples of the lack of any regulations for onerous odors associated with, for example, large-scale breeding or low-frequency noise and infrasound associated with the location of wind turbines. Freedom of interpretation of problems and shortages of legal regulations also close the court path to the protection of civil rights and are the cause of many human dramas and environmental damages.

6. Poland has not fully implemented the principles of the Aarhus Convention, in particular the principle of informing the public "when all the organizational and technological options of the undertaking are still open". Polish courts do not allow direct referral to the principles of the Aarhus Convention despite the full ratification of the convention by the Polish government! The report on compliance with the Aarhus Convention presented by the Polish government also directly speaks about it.

7. The rights of local communities in Poland have been legally reduced to a minimum and are further limited by procedural errors and lack of clerical competence, including data manipulation of the actual environmental effects of planned investments.

8. The rights of social associations in Poland have been limited in an absurd way. In order to be a party to environmental proceedings, the association must be registered at least one year before the date of filing the investor's application for the planned investment and additionally prove to court in the field of environmental protection. Hence, the allegations made by the government side that other associations are involved in the matter of the local community of Bakalarzewo are embarrassing hypocrisy!

9. From press releases on the "high voltage" portal <https://wysokienapiecie.pl/2553-synchronizacja-baltow-z-europa-zachodnia-w-2025-r/> - from the statement of the Lithuanian energy minister Zygimantas Vaiciunas - it follows that the whole the line was built many times (5 times) larger technical parameters than presented for environmental assessment, which may suggest that the entire EIA procedure for the OHL 2x400kV line in question is unlawful and mislead not only to the local community but all governmental

and judicial institutions and financiers in Poland and EU. We expect an urgent investigation of the matter and a full report on this matter. The article shows that it is planned to link Poland -Lithuania with submarine cable, in this context the rejection of the underground cable version as technologically unfeasible should be reassessed in the Elk - Alytus project. This also indicates the manipulation of data by the investor towards citizens and state authorities.

10. Hence our application through the Compliance Committee of Aarhus to establish a government commission to thoroughly investigate all violations and problems related to the environmental impact and location of power transmission lines in Poland. The Bakalarzewo Community is just an example of a negative pattern and standards that are tolerated in Poland as we know from press releases and contacts in social media.

Nota bene - The government commission is necessary because of the huge difficulties in clarifying the legal and cultural complexity in English, as well as due to the many different types of violations of law, ethical principles, substantive rights and civic dignity beyond the interest of the Aarhus Compliance Committee

II.

Reply from the Association "Zdrowa Gmina" Bakalarzewo - Polska ACCC / C / 2015/126 to the attention of the interested party - the Polish Government

1. Annotations on whether the national remedies have been exhausted can be found in Annex 2 (NOTICE TO THE AARHUS CONVENTION COMPLIANCE COMMITTEE BAKALARZEWO, POLAND page 1, page 2, page 3), where the table describes all issues related to the activities of the Healthy Community Association in the procedure EIA and the authority of the Podlasie Voivode.

2. In Annex 3.2.1. there are signatures of the members of the Healthy Community Association and the chairman of the Association (under number 66). This is proof that the letter addressed to RDEP includes signatures of persons who have been touched by the OHL 2x400kV line.

3. I emphasize that the Healthy Community Association is an ordinary association. On behalf of the Association, participation in proceedings before the RDEP, GDEP and administrative courts was attended by associations registered in the "Dzikie Mazury Partnership" and the Right to Life Association and Mrs. B. Wasilewska as a member of the association from the Bakalarzewo commune.

4. The comment of the interested party to Annex 3.1.1 is unfounded. and 3.1.5. I would like to point out that all members of the association sought information on the impact of OHL 2x400kV lines, not only in the EIA procedure, but also in all organizations and institutions responsible for the health of rural residents and who could have any knowledge about the impact of the highest voltage lines. As proof of the case, letters that go beyond the EIA procedure were attached.

5. Regarding Annex 4.3.1, I explain that the title given by the communicator fully reflects the content of the attached document, it is evidence of manipulation of the information by the Governor.

6. From the content of Annex 4.3.2. it is clear who the author is and who the recipient of the letter is.

7. It is a lie of the interested party to find in relation to Annex 4.3.7 that the Voivode of Podlasie decided to conduct a public consultation on the variant OHL 2x400kV, while at the outset of his letter, he stressed that Polish law does not provide for such consultations before issuing a replacement order. The letter enclosed in point 4.3.7 is another evidence of deliberate misleading of local communities affected by the OHL 2x400kV line being built.

8. Regarding the comment on Annex 5.1. I would like to inform you that the complaint of the Healthy Community Association was not a complaint about the investor's actions but a complaint about the actions of the government and self-government administration of the Republic of Poland. Because these bodies are responsible for complying with the law and properly carrying out administrative and judicial procedures.

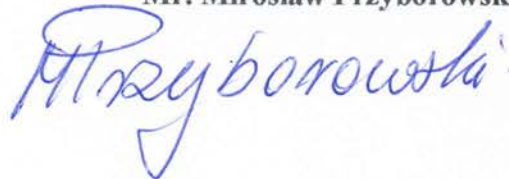
9. The constructed line is an energy bridge running through Poland and Lithuania (Ełk - Alytus), where protests on the same OHL line with 2x400kV were also held on the Lithuanian side, because the Lithuanian government behaved in a similar way to the Polish government and took only interest investor. The Rudamina Association on behalf of the Lithuanian community has lodged a complaint with the Compliance Committee of the Aarhus Convention, so Annex 5.2. it is also linked to our complaint explaining the issue of the dependence of funding and the time pressures that are key to the case.

10. The reply to question no. 6 did not give any answer, because we do not have "hard" evidence for intimidation of the local community by employees of the ABW internal security agency. Nevertheless, such intimidation and visits of an agency employee in the homes of private members of the association took place. Proving these events, however, goes beyond the capabilities of the average person, hence our resignation from the continuation of this thread.

Sincerely,

Chairman of the Healthy Community Association

Mr. Mirosław Przyborowski



Annex: press article on the parameters of the OHL line 2x400kV Ełk - Alytus

<https://wysokienapiecie.pl/2553-synchronizacja-baltow-z-europa-zachodnia-w-2025-r/>