

Bakałarzewo 15.02.2019r.

Association "Healthy Commune"
Mirosław Przyborowski
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16 – 423 Bakałarzewo,
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Poland
Ref. ACCC/C/2015/126

Ms Fiona Marshall
Secretary of 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 Fiona Marshall

With reference to the letter from the Interested Party of DZŚIV.465.271.2018.JM (Undersecretary of State of the Ministry of the Environment - Sławomir Mazurek) from December 19, 2018. in case ACCC / C / 2015/126, the Healthy Community Association presents its comment.

1. Referring to the issue of communication of the Interested Party with the Communicator in the ACCC / C / 2015/126 case, the Healthy Community Association feels discriminated by the Polish government, because the documents are sent only in English now only to Geneva, which is a significant obstacle in reaching information and translation of documents for the Association.

2. The violation of the right to information about investments in Poland by the Polish government and the investor of power lines is often visible not only in the municipality of Bakałarzewo, but also in other regions of Poland. Proof - a press article describing the protests of other local communities affected by the construction of power lines (Annex 1).

3. The reason for the protests against the construction of the OHL line of the highest tensions in Poland is the non-compliance with the provisions of the law on environmental protection and spatial planning by Polskie Sieci Elektroenergetyczne PSE - a state treasury company, which takes place with the tacit consent of the Polish government. Proof - a press article from the website "Local Government Portal" of 08/09/2016 (Annex 2), as well as a letter from the "Kozienice Social Coordination Group - Oltarzew" of 16/06/2017. addressed to the European Commission on the activities of PSE S.A. incompatible with the law (Annex 3).

4. As regards the allegation of the Interested Party concerning erroneous information about the 5 times increased power of the OHL 2x400kV Elk - Alytus transmission line contained in a press release on the "wysokienapiecie.pl" website, the Association provides proof of this

information in the form of an attachment in which there is another information that Lithuanian investor Lit-Grid also confirmed that the OHL 2x400kV Elk-Alytus was built for 4 times more power than it is shown in the documentation (Annex 4). It follows from this conclusion that in the environmental project submitted for environmental evaluation, technical data have been manipulated, which also determine the impact of the investment on people and the environment. For confirmation in the same case (OHL 2x400kV), the Lithuanian side will also submit this attachment. It should be noted that the Polish government does not deny this information, but only states that such information has not appeared in other media. The Polish government did not apply to the Lithuanian Ministry for rectification of this information and did not submit official denial, nor was there a committee to check the actual parameters of the OHL 2x400kV installation. Hence, there is a presumption that this is a fact and evidence in the case, which is confirmed by the next statements of the operator of the power grids of Lithuania.

5. In our opinion, in point 2 letters, the Polish government is stubbornly seeking to mislead the Committee. It has been explained many times that all members of the Healthy Community Association in accordance with Article 2 (5) of the Aarhus Convention are referred to as the community concerned because everyone has been affected by the investment of the OHL 2x400kV line. In addition, the association they have created acts to protect the environment and meets the requirements of national law in this area. In addition, we explained that other environmental associations appeared in the defense of local communities by submitting documents and allegations regarding the procedure. We also explained earlier that in Poland there is a compulsory representation before courts of higher instance through the intermediary of a solicitor or attorney, which is a barrier to access to justice due to costs and complicated rules of the procedural mandate.

6. In point Four letters, the government claims that the Voivode of Podlasie twice conducted a public consultation on the variant OHL line 2x400kV in the municipality of Bakalarzewo. We strongly deny this information of the government, because in the municipality of Bakalarzewo there has never been any public consultation regarding the variants of the line. Representatives of the investor in the meetings with the residents introduced the community into error, saying that there are no variants other than the ones presented by them. Neither the local government nor the government authorities have carried out any consultations regarding this investment. The messenger has been attached by Annex 4.3.7. as proof of arrogance of the voivode - a representative of the government, who responds to the interested community that there is no obligation to conduct public consultations on variants of the proposed OHL line, 2x400kV.

7. The Polish government misleads the Committee, claiming that the submission of comments to the selected draft plan for the variant already selected by the investor and voivode (in addition all remarks dismissed without justification) is the same as conducting public consultations regarding the choice of the variant OHL line 2x400kV (the public can not choose the variant at the time when all variants of the location and production technology were open).

8. Uploaded content of Annex 4.3.2. is the legal opinion of the law office of dr. Anna Szmytt, where it appears from the content that the only interested party is the voivode of Podlasie introducing a forced replacement mode in the municipality of Bakalarzewo for the

OHL line of 2x400kV. The discussed letter is a copy made available to the Communicator during the implementation of a replacement order for the OHL 2x 400kV line in the municipality of Bakalarzewo. Currently, it should be in the possession of documents of the Podlasie Voivode. According to the letter, government authorities have taken the knowledge of a lawyer who explains how to effectively manipulate local government authorities to introduce a replacement order in the municipality of Bakalarzewo fixing the route of the OHL line, chosen by the Voivode and investor PSE S.A.

9. We would like to emphasize once again that the option of energy transmission technology as OHL 2x400kV line was imposed by the investor in the title of the EIA procedure initiated. Similarly, the route variant from the beginning to the end was implemented under the dictation of the investor and government institutions. A replacement order of the voivode of Podlasie was also carried out in the prescriptive mode without taking into account the voices of residents and local self-government. We cited a document in which the investor's lawyer advises the governor how to effectively carry out the replacement order.

Sincerely,
Association "Healthy Commune"
Miroslaw Przyborowski



Annex 1 - Protesters on the line 2x400 kV Kozienice-Oltarzew they deny the connection with Russia

Annex 2 - The dispute between the inhabitants of Wielkopolska around the construction of the 2x400kV line

Annex 3 - a social group magazine addressed to the European Commission on investor activities of PSE non-compliant with the principles of law and regulation of the European Parliament

Annex 4 - confirmation of the Lithuanian investor for transmission of energy with the OHL line 2x400kV of 2000 MW power after completion of the synchronization project