

(ACCC / C / 2015/126)

Reply to e-mail dated July 19, 2018 regarding communication in the Aarhus case (ACCC / C / 2015/126).

Answers to the Committee's questions:

Ad. 1.

In our opinion, Polish legislation does not require justification of the submitted comments, there are no formal requirements regarding the form on which comments can be submitted.

Ad. 2.

No information was given in the ordinance about the possibility of appealing.

NOTICE TO THE AARHUS CONVENTION COMPLIANCE COMMITTEE BAKAŁARZEWO,
POLAND page1, 2, 3

Ad. 3.1.

a) Requests and letters regarding requests for opinions and appointment of experts

Init. nb.	Writing	Date	to whom	who	Contents
1.	Inquiry	25.03.2012r.	Agricultural Farm Insurance Fund (KRUS)	Bożena and Henryk Wasilewscy	Work safety in the environment of OHL 2x400kV
2.	Answer PTSU-PPR-01/2012	23.04.2012r.	Bożena and Henryk Wasilewscy	Agricultural Farm Insurance Fund (KRUS)	KRUS does not have any data, studies or reports on the electromagnetic field on the working and human life environment.
3.	Request for opinion	04.07.2012r.	States's Provincial Sanitary Inspector (PWIS)	Residents of the Bakałarzewo commune	A question about the safety and influence of the electromagnetic field on human health and life
4.	Reply NZ-726/4/2012	02.08.2012r.	Mirosław Przyborowski - representing the inhabitants of the Bakałarzewo commune	States's Provincial Sanitary Inspector (PWIS)	Sanepid states that there are no studies on the potential nuisance or harmfulness
5.	Inquiry - (no response to the letter)	25.03.2012r.	Podlasie Agricultural Chamber Poviat Council in Suwałki	Bożena and Henryk Wasilewscy	on the influence of the electromagnetic field of the OHL 2x400kV line on dairy cattle breeding and crop production
6.	Inquiry - (no	25.03.2012r.	National Union of	Bożena and Henryk	on the influence of the electromagnetic field

	response to the letter)		Farmers, Wheels and Agricultural Organizations	Wasilewscy	of the OHL 2x400kV line on dairy cattle breeding and crop production
7.	Dismissing the local community to General Directorate for Environmental Protection (GDEP)	31.07.2013r.	GDEP	Residents of the Bakalarzewo Commune	Text underlined in the appeal
8.	Comments to the Regional Directorate for Environmental Protection (RDEP) decision	03.08.2013	GDEP	Association "Wild Mazury Partnership"	Mention of the lack of expertise on the electromagnetic field
9.	EIA decision - GDEP page 26	16.12.2013r.	---	GDEP - Warsaw	Negative response of the body to the appointment of experts (GDEP decision p. 26)

3.2. Comments made by local society during the EIA procedure

Init .nb.	Writing	Date	to whom	who	Contents
1.	Comments and reservations	22.10.2012r.	RDEP	Residents of the Bakalarzewo Commune (list of signatures 245 people)	Request to include postulates regarding OHL line 2x400kV
2.	Comments and reservations	05.06.2013r.	RDEP	Association "Wild Mazury Partnership"	Comments and objections to the procedure and findings of the EIA report
3.	Comments and reservations	31.07.2013r.	GDEP	Local community	Comments and objections to the RDEP decision issued
4.	Comments and reservations	03.08.2013r.	GDEP	Association "Wild Mazury"	Comments and objections to the RDEP

				Partnership"	decision issued
5.	Complaint to the Provincial Administrative Court	16.01.2014r.	Provincial Administrative Court in Warsaw	Association "Wild Mazury Partnership"	Complaint about the decision of GDEP and establishing the EIA procedure
6.	A cassation complaint to the Supreme Administrative Court	23.12.2013r.	Supreme Administrative Court in Warsaw	Association "Wild Mazury Partnership"	Demonstration of legal and material defects of EIA proceedings

Ad.3.3.

b) Office responses to the EIA comments were included in administrative decisions.

Important! GDOŚ Warszawa has made changes and amendments to the findings of the EIA environmental assessment without social consultation and EIA procedure during the re-decision

Init .nb.	Writing	Date	to whom	who	Contents
1.	Decision of RDEP	04.07.2013r.		RDEP	The justification for the comments submitted for decisions regarding the OHL line 2x400kV
2.	Decision of GDEP	16.12.2013r.		GDEP	The justification for the comments submitted for decisions regarding the OHL line 2x400kV
3.	Judgment of the Provincial Administrative Court	25.09.2014r.	Association "Dzikie Mazury Partnership" and private individuals	Provincial Administrative Court in Warsaw	Judgment dismissing the complaint
4.	Judgment of the Supreme Administrative Court	28.07.2016r.	Association "Dzikie Mazury Partnership" and private individuals	Supreme Administrative Court in Warsaw	Judgment dismissing the complaint

Ad.4. 1.

a) Replacement management of the voivode regarding the local spatial plan - comments of

local communities

Init .nb.	Writing	Date	to whom	who	Contents
1.	Investor - application for replacement order	27.05.2013r.	Voivode of Podlasie	Polish Power Systems [Joint Stock Company] - PPS S.A.	Investor's request to the voivode
2.	Investor's suggestions to the commune head	11.03.2013r.	Mayor of the Bakalarzewo commune	PPS S.A.	The investor suggests to the commune head the need to draw up a local plan
3.	Design assumptions for cable line rejection - investor	9.09.2013r.	Mayor of the Bakalarzewo commune	PPS S.A.	The investor rejects the request for a cable line stating that the project is intended to cover the overhead line
4.	Proposal	13.06.2012r.	Mayor of the Bakalarzewo commune	Residents of the Bakalarzewo Commune	The residents' request for a cable line
5	Comments on the substitute order regarding the local plan prepared by the voivode	4.06.2014	Voivode of Podlasie	Residents of the Bakalarzewo Commune	Citizens' comments and a list of 356 signatures

Ad. 4.2.**Answers on the substitute management procedure of the Podlasie voivode**

Init .nb.	Writing	Date	to whom	who	Contents
1.	Request of the commune head to accept comments	03.09.2013r.	investor	Mayor of the Bakalarzewo commune	Prośba Wójta o przyjęcie uwag składanych do planuA commune's request to accept comments submitted to the plan
2.	Consideration of comments to the Study - regulation no. 30	28.05.2013r.		Mayor of the Bakalarzewo commune	Regulation No. 30 and list of comments not included in the study
3.	Comments included in the study - Regulation No. 30	28.05.2013r.		Mayor of the Bakalarzewo commune	II. List of comments included in the study
4.	Comments included in	28.05.2013r.		Mayor of the	List of comments

	the Local Action Plan of the municipality of Bakalarzewo			Bakalarzewo commune	included in the Municipal Office Plan
5.	Remarks not included in the Local Action Plan, order No. 31	28.05.2013r.		Mayor of the Bakalarzewo commune	Regulation No. 31 and list of comments not included in the Local Development Plan
6.	Comments included in the study - Regulation No. 30	28.05.2013r.		Mayor of the Bakalarzewo commune	I List of comments included in the study
7.	Resolution of the Commune Council XXIX / 18/13	23.07.2013r.		Mayor of the Bakalarzewo commune	Withdrawal from the adoption of the study

Ad. 4.3.

Answers related to the replacement order of the Voivode of Podlasie

Init .nb.	Writing	Date	to whom	who	Contents
1.	an example of manipulation of information by the administration and the investor	09.10.2.13r.	A representative of the residents of the Bakalarzewo commune	Voivode of Podlasie	The voivode misleads residents about the lack of social consultation obligation
2.	Legal suggestions of the investor for the voivode - substitute order	13.06.2013r.	Voivode of Podlasie	Investor - legal office	Investor's suggestions for the voivode on how to effectively carry out the replacement order in the case of the Local Development Plan for the OHL 2x400kV line in the municipality of Bakalarzewo
3.	The Voivode's urging regarding the actions of the replacement order	19.07.2013r.	Voivode of Podlasie	Investor	The investor urges the voivode with the risk of losing co-financing
4.	Letter from the Commune Head	11.06.2013r.	Voivode of Podlasie	Mayor of the Bakalarzewo commune	Concerns about the health of residents and the request for a greater distance of the line from the buildings and the

					underground version of the OHL line, 2x400kV
5.	Letter from the Commune Head	04.07.2013r.	Voivode of Podlasie	Mayor of the Bakalarzewo commune	The commune administrator confirms the residents' concerns about the health and value of the property
6.	Letter from the Commune Head	10.07.2013r.	Voivode of Podlasie	Mayor of the Bakalarzewo commune	In connection with protests and concerns about health, the municipality of Bakalarzewo withdraws from the adoption of changes in the study for the OHL line, 2x400kV
7.	Information of the Governor	15.11.2013r.	Residents of the Bakalarzewo Commune	Voivode of Podlasie	The Voivode states that there is no obligation to consult in the procedure of preparing a local plan
8.	The Voivode's answer	16.07.2014r.	Private person	Voivode of Podlasie	Reply to comments to the replacement order
9.	The Voivode's answer	16.07.2014r.	Residents of the Bakalarzewo Commune	Voivode of Podlasie	Reply to comments to the replacement order
10.	Replacement management of the Podlasie Voivode	16.07.2014r.		Voivode of Podlasie	Rejection of all comments from the social side (from pp. 35 to 50 not translated - provides the Polish government)

Ad.5

Documents confirming the pressure of losing co-financing in the event of failure to complete the OHL 2x400kV investment at a given date which affected the quality and methods of the EIA procedure and planning works in the municipality of Bakalarzewo

Init .nb.	Writing	Date	to whom	who	Contents
1.	Justification to the resolution of the	28.12.2011r.	Mayor of the Bakalarzewo	Community Council of	Confirmation of the possibility of

	commune council regarding the preparation of an amendment to the Study for the OHL line 2x400 kV		commune	Bakałarzewo	losing co-financing
2.	open meeting „Concerning the choice of location for electrical energy overhead transmission power line between Alytus substation and the Lithuanian-Polish state border“.	11.10.2010r.	Chairman of the Committee for Environmental Protection of the Parliament of the Republic of Lithuania	Litpol Link	Selecting the text on financing
3.	Judgment of the Provincial Administrative Court in Warsaw	25.09.2014r.	Association "Dziki Mazury Partnership" and private individual	Provincial Administrative Court in Warsaw	Marking in the content of the letter p. 26, 27 (pressure of EU funding and refusal to appoint an expert expert)

Słownik :

KRUS – Agricultural Farm Insurance Fund

Sanepid - PWIS - States's Provincial Sanitary Inspector

OŚ - Environmental Impact Assessment - EIA

RDOŚ - RDEP – Regional Directorate for Environmental Protection

GDOŚ - GDEP - General Directorate for Environmental Protection

WSA - Provincial Administrative Court

NSA – Supreme Administrative Court

PPS S.A. - Polish Power Systems [Joint Stock Company]

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