

Forced construction of OHL 2x400kV Elk-Alytus

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Complainant: community of Bakalarzewo, Northeast Poland

The Association "Healthy Commune" represents the local community affected by location and technology of the OHL 2x400kV – that dramatically has changed the environment and living conditions in one of the most natural, non-urbanized regions of Poland.



The Complainant states that the Republic of Poland violates the human rights to healthy environment and property, by failing to supervise and mitigate illegal actions of the monopolist of the national transmission system PSE S.A.

The Bakalarzewo Community has been acting with the intention to facilitate absolute transparency, responsibility and highest standards in taking environmental decisions for the projects funded by the EU.

The Community is the public concerned

In the context of AC art. 9:

The members of the Complainant live and work in the same place, which is now occupied by the OHL route, in its immediate vicinity and therefore have a sufficient interest to protect their environment and the health of their families. All members of the Complainant have become neighbors of the OHL infrastructure. For generations, they have been living, working and producing food for sale and own needs. Suddenly, this area has become an OHL technological belt needed for its operation, maintenance and security.



The residents are forced to suddenly change their life plans, perhaps even leave their homes and lose their jobs, because of the possible impacts of the electromagnetic fields, complex technical maintenance and failure risks. EXPANSION of the technological belt is possible and has been already prepared. The project has put the human health and animal welfare in risks, damaged the agricultural land (maintained in good agricultural quality) and all the property which is now valued at a very reduced price, without adequate compensation. In one of the most valuable and least industrialized landscapes of Poland.



Sudden changes in the route of the 2x400kV line near Bakalarzewo

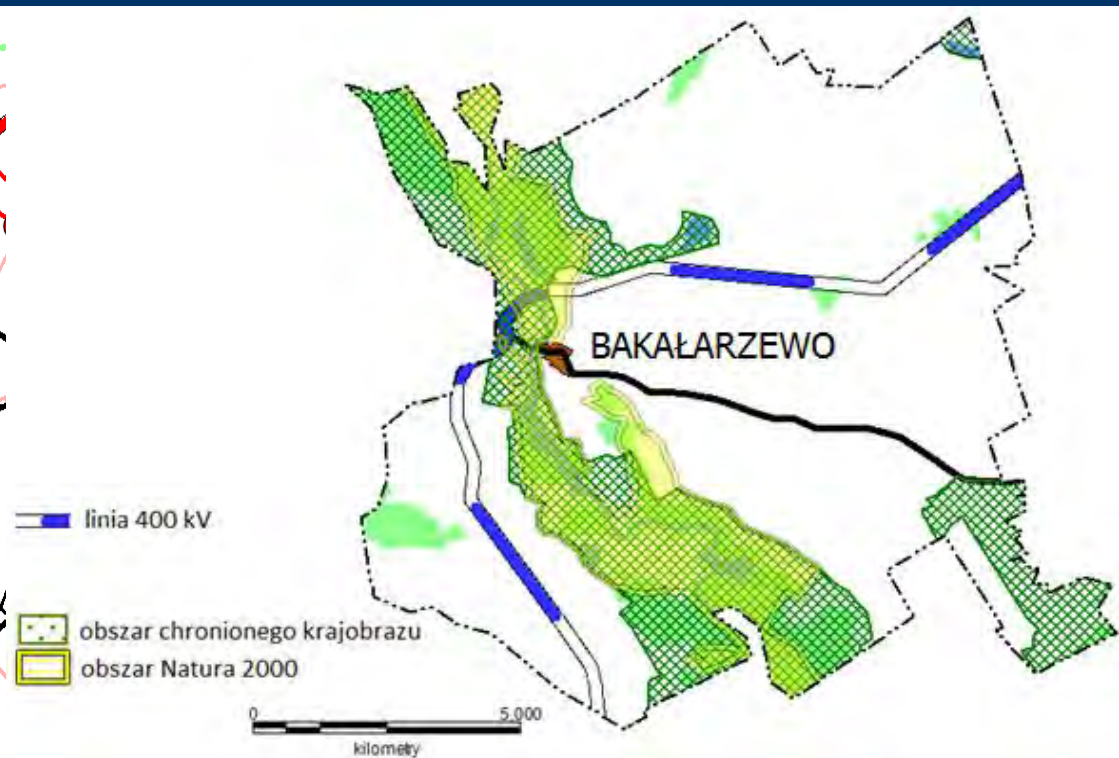
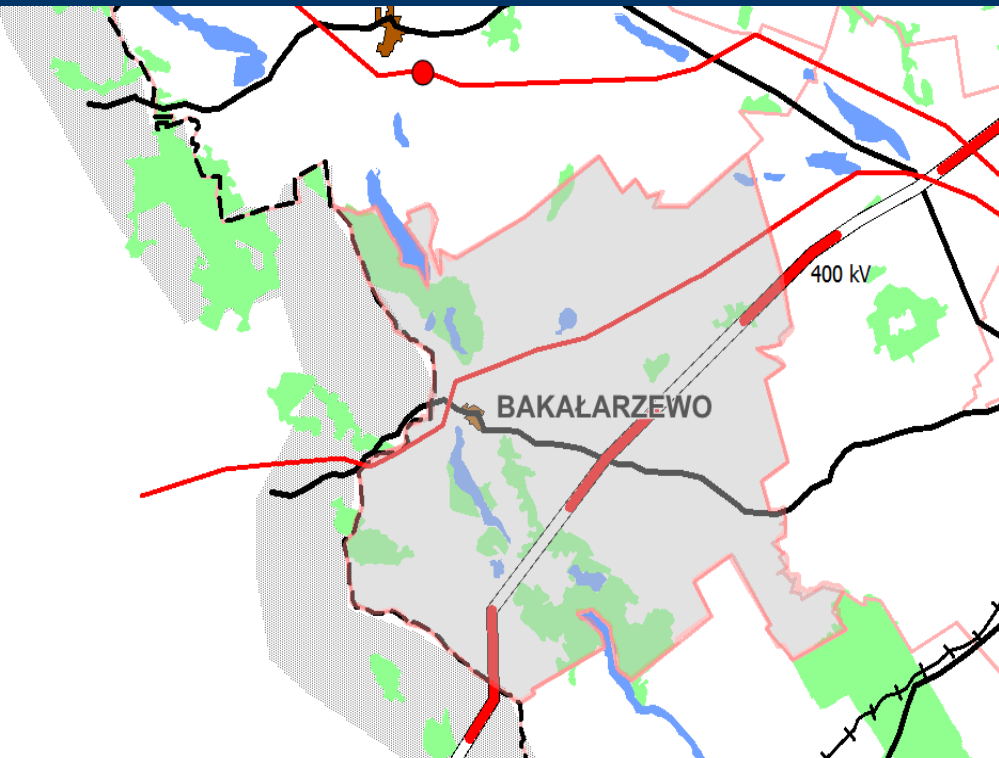
Accepted by the local community, the route of the power line in the spatial development plans for the municipality of Bakalarzewo and Podlasie Voivodship - from 1985 to 2014.

It was supposed to be a 400kV double-track line without an indication whether overhead or cable version.

Change in the route of the line pushed by the investor of PSE. The local community was surprised by the information about the change of the route in 2012.

The formal change in plans took place after the start of the construction in 26 May 2014, only then it was determined that it should be an overhead line.

The OHL line was extended by approx. 10 km, increasing transmission losses and construction costs by approx. 10% - circa 50 million EUR.



We've lodged the complaint against Poland because:

- The local community was not informed about the planned investment at the stage when all route options and technological solutions were open.*
- There was a lack of individual information for the parties to the proceedings, whose private plots are directly under the OHL line. All were treated as the general public, which resulted in the lack of effective information to all those directly affected by the investment – AC art. 6.2.*
- The procedure for assessing the environmental impact of the OHL 2x400kV line, as is typical for the majority of investments in Poland, was only pro-forma.*

Being an environmental activist, Mr. Sienkiewicz has detailed information on several dozen reports and environmental decisions and via established contacts with over 100 NGOs in Poland and can bring the evidence.

- The quality and scope of information provided by the investor and verified by us during the EIA was embarrassingly low; very often conditioned by the pressure due to the desired investment: economic, political, erroneous interpretation of the principle of freedom of economic activity, co-financing from the European Union, etc.*

A non-transparent and false process:

- "Development plans for satisfying current and future electricity demand for the years 2010-2025" developed in March 2010 by the Investor was not subject to consultations with the public concerned in the areas to be occupied by the Investor, who was aiming to expand its power transmission system.
 - Neither the Investor, nor the local and state administration recognized the extent of the public concerned, and thus could not receive the full public opinion about the planned project.
 - According to the NIR report on the implementation of the Convention on access to information, public participation in decision-making and access to justice in environmental matters for the years 2011-2013, prepared by the Ministry of the Environment of the Republic of Poland:
"Art.6.5 Polish law does not impose obligations on public authorities or investors to recognize the extent of the public concerned or to provide information before submitting the application."
 - Even if any late dialogue between the developer and the interested community took place and the developer obtained a formal approval for the project, a full and independent procedure of public participation should have been carried out by the competent public authority before issuing the permit.
 - The public authorities should have checked, but they did not, whether the dialogue between the PSE developer and the public provides accurate and reliable information and is not subject to manipulation or coercion. The late and residual dialogue at the final stage of the EIA decision had the signs of manipulation (information, data on the impact on the environment and human health, pro-investor interpretation of law, etc.) and coercion (blackmail - forced expropriation without compensation). **Even interventions by special services of the Internal Security Agency occurred.** Questions about cooperation with the Russian Gazprom.
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Slogan of the investor PSE - the EU funds are the priority

The authorities and PSE pre-determined the OHL route automatically moving to the technical preparation without public debates. The authorities and investor openly stated that the EU forces them to implement quickly under the pressure of losing EU funds.

This was despite the European Parliament's position on trans-European energy networks (7 June 2005, P6_TC1-COD (2003) 0297) underlining (point 13) 'Identification of projects of common interest, their specifications and priority projects , in particular projects of European interest, should not prejudice the results of the environmental impact assessment of projects, plans and programs.'

We never received a clear and objective description of any alternative solutions for the power line considered by the PSE before its construction. The "super-OHL" of such a huge scale was pre-determined, and not compared, for example, to an OHL system with less capacity or underground cables, or combinations of different technologies; despite such a valuable and sensitive location.

According AC art. 6 (6), we lacked, inter alia, a description of the significant impact of the planned activity on the environment, expected emissions, a realistic and detailed description of the measures envisaged to prevent and / or reduce impacts, including emissions; security measures, restrictions, etc.).

The Complainant states that even in the final phase of environmental and planning procedures, the investor and public authority falsified public participation. The information provided was contradictory, and any attempts by the public to establish the reliability of the information provided, were ignored and neglected by the engaged companies, local and state authorities.

The Complainant can provide testimonies to obvious cases of harassment, occurring in conflict with the AC art. 3(8) on the democratic process of public participation.

No access to the critical information, too short terms to appeal

The authorities failed in immediately informing the public about the decisions issued. Information about the decisions was not made available in a way allowing timely and full participation. The authorities prevented initiation of the timely appeal procedure. Access to information was too difficult even for specialists, it was deliberately hidden and sometimes manipulated:

- *The content of the EIA decision, issued by RDOŚ Białystok and then maintained in force by GDOŚ Warsaw, has never been published anywhere (only a notice on issuing the EIA decision was placed on www). To get the access to the decision, the residents had to travel to RDOŚ, 120 kilometers away!*
- *The Investor misled the residents saying six months before the official decision of the EIA decision that such a decision has already been issued, and therefore the residents no longer would have an impact on its findings.*
- *The local community has never been informed by the authorities on the issue of the "Supreme Administrative Decree of July 16, 2014", regarding (forced) adoption of the Local Spatial Development Plan enabling the implementation of the OHL section in the Municipality of Bakalarzewo ". No info was published on the websites of the responsible local authorities, where it is supposed to be accessible to the public concerned.*
- *As the Municipality objected the OHL route, a "Substitute Order" of the Podlasie County entered into force after 14 days from the date of its publication in the Official Journal. The public concerned was not informed and learned only by accident on the last day before the "substitute order" became valid.*

*Not only having hard to access the above decisions, the public concerned had unrealistically short terms to appeal:
14 days.*

Ratification of the Aarhus Convention and reality in Poland

The Polish law has not fully implemented the Aarhus convention by, among others, no legal obligation to consult and notify the local community before opening of administrative procedures and as long as all technological and location options are open.

The Supreme Administrative Court (NSA) does not recognize the Aarhus Convention as an international agreement:

*“....The Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters (Journal of Laws of 2003 No. 78, item 706) , ratified by the Act of 21 June 2001 (Journal of Laws No. 89, item 970), is not an international agreement. This means that its provisions can not be directly applied without making changes to the legal system of the state that the Convention has signed and ratified. It is not possible to derive rights from the provisions of the Convention itself. There is no doubt that the provisions of the Act of 3 October 2008 on sharing information about the environment and its protection, public participation in environmental protection and environmental impact assessments are implemented by the provisions of the Aarhus Convention. “**

**From the judgment of 19 January 2012, Ref. Act II OSK 615/11, marked by Z.S.*

The situation to date - March 2018

Having analyzed the response of the Polish government, the Complainant states that it is not trustable and fully upholds all the allegations contained in the complaint. Most of the signaled problems have been intentionally omitted.

The position of the Complainant:

- 1. Basic human rights have been violated: to live in a safe and healthy environment, to access information about the state of this environment.*
- 2. The fundamental constitutional rights of citizens have been violated, including the right to property and the principles of spatial planning at the local and regional level.*
- 3. The principles of sustainable development, including environmental safety and health protection, of the inhabitants as well as future generations were disregarded. The provisions of the European Landscape Convention were violated and the conditions for developing the tourist potential of the region became dramatically changed.*
- 4. There was no proper assessment of the location and technological alternatives of the OHL 2x400kV by the local communities.*
- 5. The precautionary principle was violated in relation to the levels of possible long-term impacts of investment on the environment, health conditions and the quality of life of people who are forced to reside permanently under the line OHL 2x400kV. This raises serious concerns for the public concerned, in particular, the long-term effect of the electromagnetic field (PEM), especially since the Complainant already experienced restriction and manipulations of the critical information.*

II - The situation to date - March 2018

- 6. In the municipality of Bakalarzewo, the OHL was unjustifiably extended by about 10 km causing an increase in investment costs, and at the same time a threat to NATURA 2000 areas, devastation of Protected Landscape Areas and the areas for development of the settlement network, not in accordance with the valid provisions of the "study of conditions and directions of development spatial municipality of Bakalarzewo ".*
 - 7. Administrative decisions at each stage of the EIA procedure and investment location are based only on information and claims taken from the EIA report being investor's private document. Despite repeated applications of residents and ecological associations about hazard analysis, no independent expertise on the health and environmental impacts of OHL has been presented in the entire documentation file for this investment.*
 - 8. Despite the huge investment for new OHL 2x400 kV transmission lines designed to work for decades, no technological or organizational measures have been taken that could improve environmental conditions and limit the potential health risk associated with electromagnetic radiation and other impacts of the OHL line.*
 - 9. The Republic of Poland and the Republic of Lithuania unreasonably departed from the assessment of the environmental impact in a cross-border context for the OHL line, 2x400kV.*
 - 10. Citizens who demanded information on changes and threats in the environment - have not yet received compensation for the occupied property despite the OHL being launched on their lands. The investor blackmailed them that they would be expropriated without compensation if they would oppose the construction of the line which occurred and is in contradiction with the legislation and constitution of the Republic of Poland.*
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The OHL as the basis for a new large transmission corridor

The councilor of the Bakalarzewo commune learned about the plans to build the line only at the consultative meeting in 2012.

The local plan developer for the route of the line in the municipality of Bakalarzewo was **simultaneously employed in the PSE company** - a conflict of interest and corrupt behavior, downplayed by the investor of PSE and administrative courts.

The contracts concluded by the Investor contained unacceptable clauses in relation to the parties to the proceedings - for waiving all claims resulting from the spatial planning law and also forcing the location without additional charges for other transmission investments, e.g. **a gas pipeline on the OHL route**. The contracts were extorted by means of untrue interpretations of Polish law and by extortion of expropriation without compensation.

The already started planning of the gas pipeline at the same time denies the false statements of the investor about the underground electricity cable being not suitable from the environmental point of view. The planned laying of huge gas pipes also requires demolition of ground and water bodies, which was emphasized by the administrative authorities and the investor as an extremely negative environmental effect.

In fact, in the background of its investment OHL 2x400kV, the PSE investor implemented a start of a new, large pan-European transmission corridor without an environmental assessment and public consultation!

***Additional supporting
information***



Magic phrase - "multi-criteria analysis" - variants of OHL 2x400kV investment in terms of environmental impact

The magic phrase - "multi-criteria analysis" was used by the investor in the EIA report and then was used uncritically by the Regional Director for Environmental Protection and all levels of administrative courts. Nobody analyzed the information presented and its practical meaning, it was a simple table to which, arbitrarily, without any justification, you could enter any number of points. Despite the criticism expressed in this case, nothing has changed and no expert evaluation of this game has been made.

This scoring game was supposed to justify the choice of the route for the OHL 2x400kV line near Bakalarzewo. Seemingly, because the procedure was carried out pro-forma for the pre-planned route. This fun influenced the devastation of plans and life and the value of the property for the local community.

After recognizing the real reasons for changing the route of the OHL line, it turned out that the original course of the route has real estate - a local businessman who was previously chairman of the board of the Bakalarzewo commune, and also the mayor of the neighboring city and most importantly a Member of the Polish Parliament! It also turned out that the nature reserve "Ruda" created in 2007 near the initial course of the OHL line was faked because a local businessman had to replant garden species - a spotted orchid to prove the existence of natural habitats of the protected species in the wild state.



The Community of Bakalarzewo emphasizes that in the Republic of Poland there is no methodology to develop an environmental impact assessment in terms of multi-criteria analysis, so there is no legal basis or comparative methodology for applying such analysis. As stated in the environmental impact report - "The formal basis for the work being carried out is contract No. TL / 06/02/2012 concluded between ELTEL Networks and URS Polska and Annex No. 1 to Agreement No. TL / 06/02/2012 of 26.06.2012 stating "After the completion of the first stage works, as a result of the discussion of the authors team and arrangements with the Employer it was decided that for further analysis, In this field research, there will remain four options."

This is unquestionable proof that there was no proper analysis of the choice of technological and environmental variant with the participation of the public, and only the PSE order was carried out.

No office or Polish court listened to or used any comments or suggestions from the local community or association, this confirms the thesis about the fictitious procedure of environmental and planning evaluation.

Quality of information about the environment

- The local community is convinced that the PSE investor in the EIA environmental information report does not contain real information about what will be the impact of OHL 2x400 kV on health and lives of people, on fauna and flora; soil, water, air, climate and landscape; material goods and cultural heritage in individual areas covered by the proceedings.*
- Instead, the report contains general theoretical considerations and the assessment is not based on specific examples of analogous projects in a similar area in Poland and in Europe and don't use Best Available Technology BAT. The community can not get a reliable view on the main factors of long-term environmental impact, such as low-frequency electromagnetic fields, radio electrical interference, noise, landscape effects, impact on fauna and flora, and impact on the social economy. The construction of OHL will affect the blocking of tourist service and agritourism activities, as well as restrictions in the performance of agrotechnical and breeding work under energy lines, restrictions on building, freedom of movement, etc.*
 - The situation concerns not only the municipality of Bakalarzewo, in all municipalities on the course of OHL line 2x400kV the situation was the same, the association "Healthy Commune" has contact with them. The precedence of changing the location of new OHL lines in Poland is still used by the investor of PSE (Kozienice-Ołtarzew line, Piła Krzewina - Plewiska, Warsaw-Siedlce, Ostrołęka-Olsztyn Mątki, etc.)*

According to the press, the source of conflicts is the lack of PSE's compliance with basic planning documents, such as voivodeship spatial development plans and local plans of the municipality agreed with the residents. This continued and continues with the consent of state authorities. These activities are intended to hide information about ongoing environmental and planning processes against local communities. The investor and state authorities destroy the order of Poland and the order of planning, and exclude local communities affected by this investment at an early stage of the proceedings. Such activities are not allowed by local communities and are a source of conflicts and protests. At the same time, communities affected by OHL investments are losing confidence in all Polish authorities and international organizations obliged to comply with the law.

From September 2012 to July 2013, the members of the association were not determined parties to the proceedings because in their existing planning documents their properties were not intended for the construction of the OHL line. RDOŚ did not indicate the parties to the proceedings. Talking about access to the case files in Białystok 120 km away and 300 km Warsaw is a mockery.

The investor and state authorities notified about the planned investment, when all the options for the selection of the variant and the technology of investment execution were already closed, and RDOŚ has already been conducting environmental procedures for this investment for two years.

Location of NGOs in environmental proceedings

The legal situation of citizens in Poland in matters of environmental protection and the right to sustainable development is very complicated, people are treated as an obstacle to poorly understood development and business economics.

In order to limit the right to participate in environmental proceedings, special laws are introduced with preferences for investments having a negative impact on the environment and mostly co-financed from EU funds.

In order to limit the rights of interested communities to participate in environmental proceedings, the Sejm of the Republic of Poland introduced unreasonable demands that an NGO social organization that wants to participate in environmental proceedings was established at least one year before the investor's application (blocking the civil right of association to defend against onerous investment). The NGO must also prove that its actions are consistent with the environmental protection issues and demonstrate that such activities were undertaken.

NGOs in Poland are legally excluded from environmental proceedings in the field of water law..

The lack of Polish legislation is the inability of NGOs to challenge them as they do not meet the requirements of art. 101 of the Act on municipal self-government which says that everyone has the right to object to the decision of the commune self-government - resolutions of the municipal authority (eg regarding the adoption of a local spatial development plan (SPP) or development study) to the administrative court.

There are also no appeal paths for decisions of public authorities, which do not constitute the nature of an administrative decision, for example, the withdrawal from carrying out strategic environmental impact assessments provided for in the Act on access to information on the environment and its protection.

PSE development program and conclusions from the NIK audit

- „Program rozwoju” opracowany przez krajowego monopolistę PSE Operator S.A.- inwestora linii przesyłowej OHL 2x400 kV Ełk–Alytus zakłada, że należy dla takich rodzajów inwestycji liniowych jak OHL, prowadzić lobbing w celu ustanowienia prawa krajowego „ustaw specjalnych” ograniczających; normy w zakresie ochrony środowiska; prawa społeczności lokalnych do informacji i współdecydowania o stanie środowiska a także umożliwiających naruszanie prawa własności nieruchomości. Jak wynika z tego dokumentu - najważniejszą przeszkodą dla rozwoju komercyjnej i monopolistycznej firmy PSE S.A. w Polsce jest środowisko i ludzie którzy bez możliwości wyboru znaleźli się niedobrowolnie na obszarze ekspansji tej firmy.
- Report from the Supreme Audit Office of 31/03/2014 "Information on the results of the control FUNCTIONING AND SAFETY OF ELECTRO-ENERGETIC TRANSMISSION NETWORKS" states that the main problem in the implementation of the OHL 2x400kV Ełk - Alytus transmission line, as well as other national high voltage lines, are objections and protests from local communities and local governments..
- The conclusions of the Supreme Audit Office of the Polish Supreme Audit Office boil down to the description of the activities of various companies in the energy industry, mainly PSE S.A. in order to establish a "law on transmission corridors" which would entail restrictions in the implementation of rights of local communities and social organizations to information about the environment as well as co-determination and participation in spatial planning in relation to the state of the environment and the possibility of preventing its deterioration.
- The report of the Supreme Audit Office did not cover the real reasons for protests and social opposition to supra-regional large-scale OHL transmission lines, despite the fact that they concern the majority of infrastructure projects implemented by the investor of PSE s.a. and they cause significant delays in their implementation.
- The NIK report lists all the provisions of national and European law regulating the development and functioning of the energy network in Poland and the European Community, however, no provision regulating the rules of public participation in the process of implementing OHL transmission lines of the highest tensions has been included in this list. The NIK analysis ignores the findings of the Aarhus Convention and the Directive of the COUNCIL OF THE EUROPEAN COMMUNITIES of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment 85/337 / EEC and the relevant provisions of national law.
- The only post-audit reaction of the NIK was to submit an application to the Prime Minister of the Republic of Poland to speed up work on the draft special act on transmission corridors, which aims to limit the rights of local communities and social organizations to the possibility of assessing environmental impacts and planning impact on OHL transmission lines.
- The whole situation in Poland in terms of compliance with the rules of the Convention was overruled by the corporate interests of the PSE investor and the energy lobby. State supervision authorities also focus on the exclusion of the rights of communities exposed to the impact of investments that may have a negative impact on the environment, including OHL, by attempting to introduce into the legal market a special law, contrary in principle to the provisions of the Aarhus Convention.

Environmental protection principles of Polskie Sieci Energetyczne - investor of the OHL 2x400kV line and the precautionary principle "Svenska kraftnät" (Swedish national grid)

In the appeal proceedings, RDOŚ Białystok and GDOŚ Warszawa were notified by the ecological association about the prudential approach applied by the Swedish transmission grid operator, however, the need to apply the precautionary approach principle was not recognized despite the obligations arising directly from the national environmental protection act.

The comparison of the standards applied by the investor to PSE and the norms and distances from the OHL line accepted by Polish state offices may raise very serious concerns about the intentions of the Polish state authorities towards people living in areas adjacent to OHL route 2x400kV Ełk - Alytus and other OHL lines throughout Poland. The standards accepted for the OHL investment in question by the Polish authorities are 75 μ T (microtesla) and the distance of residential buildings for long-term stay - 35 meters from the axis of the line.

However, the indications of the Swedish transmission operator 'Svenska kraftnät' are 0.4 μ T and the minimum distance is 130 meters from the line axis. Note the "Svenska kraftnät" regarding the magnitude of the magnetic field for underground lines that disappears within a few meters. In meetings with residents, the investor PSE determined that in his opinion the magnetic field indicators for a cable line would be too large to be accepted in this OHL project due to the safety of residents.

As you can see, "Svenska kraftnät" in cases of conflicts of interest, proposes to buy land to obtain a safe location for OHL transmission lines. In the case of Bakalarzewo, the inhabitants are expropriated, the rights to own the whole property are restricted and unlawfully intimidating by providing legal interpretations that could allegedly deprive property owners of the property rights without any compensation.

Residents of the Bakalarzewo commune did not receive any information or even a chance to choose - whether to stay in an environment in which the electromagnetic field would harm their health and threaten their lives - or move to unpolluted places. The authorities of the Polish state neither provide substitute real estate nor just compensation for the purchase of houses in ecologically clean areas - in other words, in which they have previously lived.

Inwestor	Magnetic field	Distance	Action
PSE Poland	75 μ T	35 m	Nothing
KraftNat Sveden	0.4 μ T precautionary principle	130 m	Purchase of land

Central Institute for Labor Protection - National Research Institute - against the investor

The Central Institute for Labor Protection - National Research Institute on the website in the section "Work Safety in Individual Agriculture" informs, among others, that "People staying for a long time near devices generating high voltage or near current tracks with very high currents are exposed to the risk of harmful effects of strong electric and electromagnetic fields".

Next, environmental impacts on human health are described, which are ignored and downplayed by a report provided to the local community by the PSE investor -

"The influence of the electromagnetic field on the body is usually not sensed by human senses. Direct electromagnetic field perception may occur when a person is in strong magnetic fields or low frequency electrical fields, which can cause visual effects, so-called magneto- or electrophosphates.

In addition, moving in the magnetostatic field induces the flow of induced currents in the body (similarly to the effect of the variable field over time) and can cause such feelings as: dizziness, nausea, impaired visual-motor coordination.

They cease after moving away from the source of the magnetostatic field and have a hitherto unaltered effect on health at the long-term exposure, while they can significantly limit the ability to perform precise work.

The effect of the electromagnetic field may be undesirable changes in the body's functioning (permanent or permanent after the end of exposure to the fields).

Scientific research indicates that possible distant effects of the electromagnetic field, especially in the case of strong exposures, include: disorders of the nervous system, cardiovascular system disorders, immune system disorders, cancer processes, and subjective complaints such as: headaches, fatigue, memory problems.

A small group of people may also be susceptible to symptoms of intolerance to environmental impacts, so-called electromagnetic hypersensitivity.

The indirect influence of the electromagnetic field can also lead to such phenomena as: interference with electronic devices, including medical equipment, electronic implants (such as cardiac pacemakers) and medical devices for permanent wear on the body (such as infusion pumps), for the functioning of passive metal implants, damage to magnetic storage media.

Such phenomena are not indifferent to the safety of people staying near sources of electromagnetic fields, but counteracting them is implemented outside the requirements of labor law, including within the requirements of the so-called electromagnetic compatibility (EMC) and environmental protection. "

The above-quoted information on threats in the living and working environment of farmers living and working along the route of OHL 2x400kV line is hidden and downplayed in Poland by all administrative and self-governmental authorities. No studies have been taken and no studies are expected - whether people with medical apparatus and implants worn permanently by the body or with signs of intolerance of environmental interactions (electromagnetic hypersensitivity) to which the electromagnetic field of the OHL 2x400kV line can potentially affect or move around in the vicinity of the OHL line negatively or destructively.

Examples of unregulated areas in environmental matters and deficiencies in regulations and emission measurements in Poland

In many cases, investments that have an impact on the environment, investors manipulate information to avoid the environmental assessment procedure.

There are serious deficiencies in establishing norms of acceptable environmental impact parameters.

The parameters of acceptable environmental emissions are determined in a way that can not be verified without specialist knowledge and equipment. These should be data that can be verified by society.

Standards are formulated for the maximum permissible impact without applying the prudence principle.

There are no references to the levels existing in the environment before the appearance of the investment, which results in the investors' striving to operate at the maximum level and thus to expose local communities and ecosystems.

Deficiencies in the regulations prevent judicial and administrative control of violations of environmental matters. The courts do not analyze the problem, but the comparison to legal regulations, if there is no norm, it means that the impact does not exist, eg odors from breeding farms.

Institutions responsible for assessing the state of the environment have staff, methodological and hardware shortages. The report of the Supreme Chamber of Control also talks about it. Even the planned amounts of control measurements are not often performed, so is also the electromagnetic field test. NIK report - 4 inspections planned. The Environmental Protection Inspectorate from Olsztyn made only two. The electromagnetic field tests after starting the OHL 2x400kVElk-Alytus investment were made with a negligible load on the line with 100A current (sic!)

In practice, there is no scientific research in Poland in the field of environmental impacts, we know cases of hiding environmental research and reports whose result was contradictory to investors' expectations.

Signals from society resulting from environmental proceedings are nowhere collected or analyzed, even for statistical purposes. Change it immediately!

Amendments to environmental standards are made arbitrarily without social and scientific consultation, for example a change in the permissible noise level in the environment by 5dB in the form of an ordinance of the Minister for the Environment, with a 7 day deadline for comments including 3 days off from work (sic!). two associations from all over Poland including ours and only two scientific and technical institutes.

Currently, we note the shortcomings of the regulations related to the location, e.g.: breeding farms - smells; windmills - infrasound, impact on birds; mass tree cutting including roadside - impact on ecosystems and the cultural landscape; telecommunication masts and transmission lines - electromagnetic field, devastation of the landscape and migration routes as well as habitats of birds and bats ...

Comments and conclusions of the community, qualifications of investor's specialists, truthfulness of information

No comment or request to justify the decisions made in the OHL 2x400kV project was not taken into account during the entire project planning process. The Polish government responds that it does not have to take into account citizens' reservations and requests.

Meeting in Bakalarzewo 2012 - excerpts:

The investor's representative of PSE claimed that - "We have to build this line, we are a private company, but behind us is a powerful state company" voices of residents - "Find a debil who will buy my plot under the 400kV line", "For us this plot in Bakalarzewo is worth more than a plot in the center of Paris under the Eiffel Tower, "You have to tell the truth and not lie," It was once a beautiful land. "

Mr. Szuba, who was employed by PSE as an expert in the field of electromagnetic field medical interaction at meetings with the local community, claimed that he did not know any research that would justify the claim that the investment could harm residents that they can be permanently resident even under the OHL line 2x400 kV. Mr. Szuba has no education in medicine or environmental medicine.

In the background of the meeting, Dr. Szuba wrote about the mother's story about a visit to an oncologist who asked if there is an OHL line near the place of residence of the patient and the question whether he can give her as a mother to ensure that it does not harm the health and well-being her child's life? - he replied that no one would ever give her such assurance. When asked about the influence on leukemia in children, it was unrealistic to say that the tests are different but those confirming the influence of the electromagnetic field on leukemia in children are less important to him, so there is no reason to worry (sic!)

Representatives of the local community have found dozens of peer-reviewed studies, both Polish and global, indicating the seriousness of the threat situation of high-voltage transmission lines and compared the norms and principles of prudential approach in many countries around the world. Hence the application for the investor to present untruth which has not been verified by the supervisory and judicial authorities of the Republic of Poland.

Residents emphasize that they got acquainted with the precautionary principles while farmers work under the OHL line recommended in Lithuania and note the disrespectful approach to these issues by the investor of PSE.

We request a re-expert analysis of environmental conditions for OHL 2x400kV Elk - Alytus investments, taking into account the principles of sustainable development and prudential approach.

EU financing of OHL investments - pressure and blackmail

We have a reply from the European Commission that no contract for co-financing for this OHL line has put pressure on the investor to fail to respect environmental protection rules.

Investor PSE - determined the course of the route, which is irreversible and led to the construction of the OHL line without reliable public debates, reliable information and the possibility of public participation in the proceedings, in accordance with the requirements of the Aarhus Convention. The Polish authorities still have not changed their position and behavior, arguing, contrary to the obvious facts, that the procedure when making decisions on the OHL 2x400kV project does not violate the Convention or EU legislation and that the EU forces them to implement quickly under the pressure of losing EU funds.

It should be noted that according to the European Parliament's position on trans-European energy networks adopted at first reading on 7 June 2005, P6_TC1-COD (2003) 0297 is underlined in point (13) 'Identification of projects of common interest, their specifications and priority projects , In particular projects of European interest, should not prejudice the results of the environmental impact assessment of projects, plans and programs. "

In our opinion, the thesis about the possible loss of funding was artificially created by the investor's PSE and the business and political lobby.

For the implementation of this investment was passed at an express rate (3 days Sejm and Senate) special law signed the last night before the departure of the president of the old power camp in Poland - Komorowski. This Act results in prerogatives allowing accelerated implementation of investments regardless of ongoing environmental proceedings.

The findings of the Special Act in Poland show that after 14 days from the start of construction, nothing can be done, except for the possible statement that the decision was issued in violation of the law, but this does not stop the construction or operation of the investment.

Emphasizing at every stage possible loss of EU funding by all levels of administration and courts together with the Supreme Administrative Court in contrast to the lack of any expertise and independent research on the impact of investments on the environment and health and life of entire generations of people is at least alarming.

The construction of the OHL 2x400kV line is treated as if it had the status of "public purpose investment" despite the lack of formal administrative decisions and factual circumstances that could confirm such status.

Giving this status, however, results in the Polish state's practice of unfounded and uncritical dismissal of the PSE investor from any precautionary principles in the location and technological solutions of OHL 2x400kV for a linear investment that could negatively affect the environment, human health and social economy for decades a valuable natural, cultural, and landscape and tourist area.+

The PSE investor did not present in the environmental assessment procedure a single negative effect on the OHL 400kV line.

Consultation of strategies and strategic plans as well as recognition of the interested community

The Community of Bakalarzewo emphasizes that the PSE "Development plans for satisfying current and future electricity demand for the years 2010-2025" developed in March 2010 by the Transmission System Operator were not consulted with the public from the areas where the main transmission operator intends to expand its power transmission system.

Neither the PSE investor nor the self-government or state administration recognized the extent of the community concerned, and thus could not receive the full public opinion about the planned project.

According to the NIR report on the implementation of the Convention on access to information, public participation in decision-making and access to justice in environmental matters for the years 2011-2013, prepared by the Ministry of the Environment of the Republic of Poland:

"Art.6.5 Polish law does not impose obligations on public authorities or investors to recognize the extent of the community concerned or to provide information before submitting the application."

Even if any dialogue between the developer and the interested community took place and the developer obtained social approval for the project, a full and independent procedure of social participation should be carried out by the competent public authority before issuing the permit for which the application was submitted.

The public authorities of the Polish state should check, but they did not, whether the dialogue between the PSE developer and the public provides accurate and reliable information and is not subject to manipulation or coercion.

Dialogue which took place in a residual form and only in the final stage of approving the EIA decision, it carried the signs of manipulation (information, data on the impact on the environment and human health, pro-investor interpretation of law, etc.) and coercion (blackmail - forced expropriation without compensation), (intimidation by special services of the Internal Security Agency, etc.). Questions about cooperation with the Russian Gazprom.

Poland - what can we do to heal the situation in the environmental assessment procedure?

- The change of Polish law obliges to notify interested communities at a time when all options and investment solutions are open.
 - Providing training and an appropriate level of knowledge in the field of environmental assessments for employees of local and government administration and judges of administrative courts of all instances.
 - Indication of where and how to collect information on problems signaled by parties interested in designing the OHL line and other investments affecting the environment in Poland.
 - Undertaking corrective actions - changing the normative for the intensity of the electromagnetic field in the prudential approach, eg. Model of Sweden.
 - Reference to environmental standards in relation to violations of the background level from before the investment.
 - Analysis and change of environmental standards to establish safe levels for emissions: noise (at least return to previous values); setting standards for infrasound in the environment (wind energy); establishing measurement principles for odors as well as other hazards signaled by interested communities.
 - Change and adaptation of measurement methodologies for emission parameters for assessing the impact on the environment and people as well as supervision of their correctness.
 - Removal from the provisions of national law in Poland of all restrictions on the right of access to information and codecision in matters of the environment.
 - Establishing the rules for determining the scope of environmental impact of various investments allowing for precise determination of interested communities.
 - Obligatory and effective notification of parties to the proceedings in the area of investment impact regardless of the number of parties involved in the proceedings.
 - Legal order to present environmental truths and comparisons to the Best Available Techniques (BAT) in environmental reports and to establish criminal responsibility for presenting untruths.
 - Legal protection of the possibility to verify the findings of the environmental report by an independent scientific center as well as experts and court experts.
 - Regulating the requirements and qualifications for the authors of reports and environmental expertises.
 - Verification of equipment and organizational supply of environmental inspection units of Environmental Protection Inspectorates.
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