



Warszawa, 2015-06-26

## MINISTER OF THE ENVIRONMENT

**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,

Further to the correspondence concerning communication PRE/ACCC/C/2015/126 I would like to present a statement of the Ministry of the Environment of the Republic of Poland concerning the above mentioned issue.

The Ministry was informed by the secretariat about the communication PRE/ACCC/C/2015/126 on 10 June, while the next meeting of the Compliance Committee, where the decision on the preliminary admissibility of the communication will be made, is scheduled for 30 June. Having in mind the time limitation for the answer to the communication and the fact that within that time the meeting of the Working Group of the Parties to the Convention took place as well as the large size of the document (together with appendixes over 450 pages), we would like to ask the Committee to postpone the decision on the admissibility of the communication to the next session. It would give the Polish government the time needed to look through the document and comprehensively examine the facts presented in it. Issues mentioned in the communication are covered by several institutions in Poland and Polish government needs time to coordinate their work and prepare official position concerning the admissibility of the communication.

The Polish government is aware that the limitations of pages number envisaged in the communication form was introduced after the Communicant has laid down this particular communication. However,



we would like to encourage the Committee to ask the Communicant to present in the communication only the issues concerning the Aarhus Convention and alleged breaches of its provisions. The current size of the document and the number of problems described that do not concern the Aarhus Convention make it problematic to examine the case in such a short time and could be not transparent to the other members of the society who would like to take part in the proceedings.

Should the Committee decide that the decision on preliminary admissibility is to be made at the meeting on June 30, we would like to indicate that the Communicant did not prove that all domestic remedies were used. Moreover, the table regarding use of domestic remedies published on the UNECE website shows that the cassation case concerning Environmental Impact Assessment before the Supreme Administrative Court is still pending and the cases before the administrative appeal authorities concerning spatial planning are "in progress" and on early stage (complaints to administrative appeal authorities). It clearly indicates that the Communicant did not use domestic remedies.

Having in mind the above mentioned facts and after a brief examination of the documents the Ministry of the Environment of the Republic of Poland is of the opinion that communication PRE/ACCC/C/2015/126 is not preliminary admissible.

Best regards  
z up. MINISTRA  
PODSEKRETARZ STANU  
Janusz Ostapczuk