



NATIONS UNIES
COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE

Environment, Housing and Land Management Division
Bureau 332
Palais des Nations
CH-1211 Geneva 10
Switzerland

Phone: +41-22-917 2384
Fax: +41-22-917 0634
E-mail: jeremy.wates@unece.org
Website: www.unece.org/env/pp

15 January 2009

Ms. Katarzyna Karpinska
Adviser to Minister
Ministry of Environment
Bureau of Ecological Education and Public Communication
52/54 Wawelska Str.
PL-00922 Warsaw
Poland
Fax: +48 22 57 92 473

Dear Ms. Karpinska,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Poland with the provisions of the Convention in connection with decision-making on the construction of a Sports Hall in Gdansk (Ref. ACCC/C/2008/29)

On 20 October 2008, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by Zabianka Housing Cooperative, Gdansk, Poland, and addressed to the Compliance Committee of the Convention regarding compliance by Poland with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7. The communication has been registered under the symbol ACCC/C/2008/29, which you are invited to cite in future correspondence on the matter.

The Compliance Committee, having considered the preliminary admissibility of the communication at its twenty-second meeting (17-19 December 2008), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication. The communication in several instances refers to an Environmental Impact Statement (EIS) Report. To clarify the terminology used and, in particular, the relation of the EIS report referred to in the communication to the environmental impact assessment (EIA) procedure and its public participation requirements, the Committee wanted to check the following:

1. Which procedure of Polish legislation regulates the preparation of an EIS Report? Which authority makes the final decision in the context of this procedure and can such a decision be appealed before the court?
2. Please explain the Polish procedure leading to the preparation of the EIS report in the context of article 6 of the Convention.
3. Under Polish legislation, what is the role of the EIS report in the procedure for issuing a building/construction permit?
4. Does Polish legislation establish any limitations on public participation in the preparation of an EIS?
5. Under Polish law, who commences the process leading to the preparation of a new EIS report in cases when an administrative court finds breaches in one or several related procedures and requests that a new EIS be prepared?
6. Does Polish legislation provide for legal remedies to suspend or terminate a construction activity if the administrative permit for such activity has been repealed following the commencement of the construction?

Additional questions have also been raised in a letter to the communicant, a copy of which is attached for your information. Should you wish to address them, you are welcome to do so.

We look forward to hearing from you.

Yours sincerely,



Jeremy Wates
Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Ms. Maria Cholewińska, Zabianka Housing Cooperative

Encs. Communication ACCC/C/2008/29 including four addenda
Preliminary determination on admissibility
Copy of letter to Ms. Maria Cholewińska, Zabianka Housing Cooperative
Datasheet on the communication