

JANEZ POTOČNIK

Member of the European Commission

Brussels, 22 -02- 2010
D(2010) 2

Dr. Caroline Lucas, MEP
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UNITED KINGDOM

Dear Dr. Lucas,

In your letter of 19 January 2010 you ask whether the Commission is of the opinion that the Polish authorities comply with the provisions of EU Directives with regard to the road development projects in north eastern Poland, notably around the *Via Baltica*. In your letter you refer specifically to the site Biebrza marshes, a Special Protection Area (SPA) according to the birds Directive and a Site of Community Importance (SCI) under the Habitat Directives.

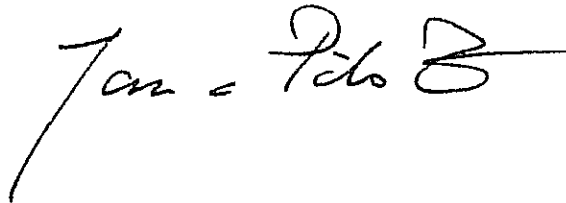
On 15 December 2009 the Commission sent a letter of formal notice to the Polish authorities concerning the possible lack of compliance of various road projects in the North-East of Poland (including Sztabin by-pass crossing the Biebrza marshes) with EC law. Furthermore, the Commission addressed an additional letter of formal notice to Poland on 23 March 2009 in view of changes in the designation status of sites that may be affected by the above-mentioned projects. In their reply to that letter the Polish authorities informed the Commission that it had been decided to change the regulation on the national network of highways and express roads, including the provision of a new passage of the *Via Baltica* corridor. That project would be in line with the results of the 'Strategy for development of the 1st Pan-European Transport Corridor *Via Baltica*' (Strategic Impact Assessment). The above-mentioned regulation, which sets a framework for the development of motorways and express roads in Poland, and more specifically in the North-East region of Poland, was adopted on 20 October 2009 by the Polish Council of Ministers (Dz. U 2009, Nr 187, poz. 1446).

The road projects related to *Via Baltica* corridor, including the Sztabin by-pass, were discussed between the Commission and the Polish authorities on 9 October 2009. The Polish authorities then provided information on road development projects in the region, as amended in view of the above-mentioned regulation. In principle, most of the ongoing permitting procedures for the road projects related to *Via Baltica* corridor have been suspended in order to allow adaptation of the projects according to the new regulation.

With regard to the Sztabin by-pass the Polish authorities observed that the plans for this project as approved earlier had been abandoned, yet some parts of the Sztabin by-pass project are being maintained, however with revised parameters.

Taking into account the above, the Commission considers that there is currently no indication that the road development projects in north eastern Poland would infringe the provisions of the EU Directives or that the results of the Strategic Impact Assessment carried out for *Via Baltica* international corridor would not have been taken into account. To conclude, let me assure you that the European Commission is closely monitoring the developments in north eastern Poland and that it will not hesitate to take appropriate legal action should a breach of EU law be identified.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jan Pils" followed by a stylized flourish.