

Via Baltica and Augustow Bypass case



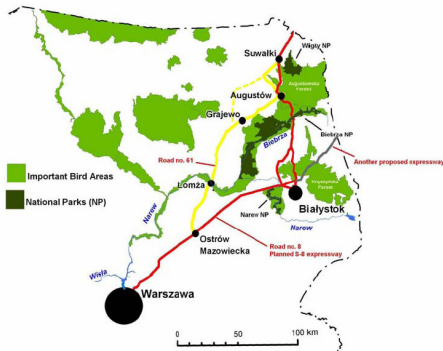
Marta Babicz, WWF Poland

I Pan-European Transport Corridor Via Baltica

- from Helsinki to Warsaw (Finland, Estonia, Latvia, Lithuania and North-Eastern part of Poland)
- first mentioned in Community guidelines for the transport network development in 1996
- 'economically' biased discussion on the routing
- officially the Polish government states the Via Baltica route is to be decided based on SEA (2003-?)
- in practice, consents are granted for current road no 8 upgrade and development to the expressway standards disregarding SEA and nature conservation requirements



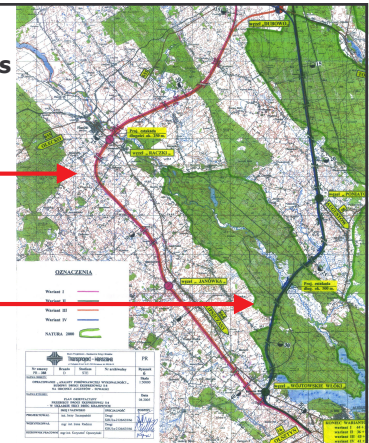
Via Baltica & Augustow vs. protected areas



Augustow variants

Alternative routing rejected for economic reasons

Currently proposed routing



Rospuda Valley at threat - Augustow Forest SPA



- best preserved stable percolation fen in Europe
- providing home to Birds and Habitats directive species, e.g. orchids.

Proceedings on the Augustow case - EIAs

- first plans for bypassing Augustow in 1992
- based on 'socio-economic' reasons route cutting through the Rospuda Valley decided in 1999
- EIA report revealed in 2004 (no habitats assessment according to HD Art. 6 procedure, hardly any public consultation)
- Environment Protection Act novelized to adjust to EU environmental law in 2005
- 'habitat assessment' ordered in 2005:
 - a) lacked proper alternatives analysis
 - b) denied potential negative impacts on EU protected habitats and species



Proceedings on the Augustow case - consents

- based on faulty 'habitat assessment' environmental decision is granted in 2005
- NGOs initiate court appealing procedure against the decision in 2005
- and file a **complaint to the EC in January 2006**
- 'Letter of formal notice' in December 2006 and 'Reasoned opinion in February 2007 issued by the EC
- further consents granted for the Augustow Bypass construction by the Polish authorities
- **Poland brought to the ECJ in March 2007**
- the Polish Government halts construction works upon EC request to the ECJ for interim measures to halt building works in the Rospuda Valley in July 2007



Other Rospuda Valley supporters

- **Polish Ombudsman**
- **European Parliament Petition Committee**
- **Regional Administrative Court in Warsaw** ruling from April 2007 - admitted NGOs' claims stating that the initial decision by the Polish Minister of Environment on environmental conditions for Augustow Bypass construction was issued not in line with the Polish law.
- **Majority of Polish society**



Lessons learned

EC pressing the Member State to act in line with the EU law - most powerful ally in halting environmentally harmful decisions

National as well as European bodies (Ombudsman or Petition Committee of European Parliament) - important supporters here.

Wide media interest – can strengthen conflicts/ raise public awareness of a problem.

NGOs – stronger if cooperating.

