



NGOs support strong Commission stance on 'Via Baltica' road development in Poland

LATEST UPDATE: 17 April 2007

We broadly welcome the Commission's current approach to this issue and urge it to maintain a firm stance as we believe the Commission has a robust case following unreasonable resistance from the Polish Government. However, the increasing number of court cases on separate, but linked, road projects is a result of inadequate Polish strategic thinking. We urge the Commission to address this or risk further collisions with Poland that will slow down infrastructure development and will harm people and wildlife.

LATEST DEVELOPMENTS

Preparatory construction continues despite ECJ case – a 'collision course' with the Commission

Regrettably, despite reference to ECJ the Polish authorities are continuing with construction works on the two projects, Augustow and Wasilkow City Bypasses in north-east Poland. According to existing environmental consents for the two projects noisy works are forbidden in Natura 2000 sites during the bird breeding season (1 March – 31 July). However, major preparatory works with heavy machinery are currently being carried outside the protected sites - tree and scrub clearance, major earthworks, initial concrete works on Swieta Woda junction (Wasilkow bypass) etc.

After the breeding season on 31 July, it is clear that the Polish Roads Agency is likely to start works within the Natura 2000 sites, including irreversible felling of primeval forest alongside other heavy works. If these works are not suspended at early stage, they will effectively determine the route of these two road sections, setting a collision course with the European Commission.

Special ECJ procedures needed soon

We urge the Commission to use special procedures (interim measures) to request the ECJ to make an urgent order requiring Poland to stop works on Augustow and Wasilkow bypasses and not to damage the Natura 2000 sites until the full court judgment is given. This order needs to be in force from 1 August 2007 at the latest.

A new disastrous section of the 'S-8' route approved through Biebrza wetlands

On 11 April 2007 an environmental consent for a further section of this route (the S-8 expressway) was issued by the regional authorities ('Podlasie voivod'). This road project is a bypass of Sztabin City and includes construction of a four-lane bridge plus an additional service road through Biebrza Valley.

Biebrza is an outstanding site of global importance for wildlife drawing thousands of visitors each year from across the world. It has nearly every possible level of protection, including Ramsar site, national park, Special Protection Area, potential Site of Community Interest and is furthermore the site of an EU-funded LIFE conservation project. It is difficult to imagine a worse site for an expressway.

The project will have a negative impact on 10 bird species listed in Annex I Birds Directive. For five of these species (Marsh Harrier, Spotted Crake, Little Crake, Corncrake and Great Snipe) Biebrza Valley is a key breeding area in Poland.

Further action needed by the Commission

We ask the Commission to investigate this road project (being a subject of NGOs official complaint no. 2006/4417, SG(2006) A/3483) as a matter of urgency and send Poland a Reasoned Opinion concerning this project as soon as possible to avoid damage to another unique nature site in Poland.

BACKGROUND

Wildlife impacts of Augustow and Wasilkow city bypasses, north-east Poland

Environmental NGOs strongly welcomed the Commission's decision to refer the case concerning two road projects in Podlasie region (Augustow and Wasilkow City Bypasses, N-E Poland) to the European Court of Justice. These developments will damage Natura 2000 sites, including the pristine Rospuda Valley in the Augustow Primeval Forest Special Protection Area (SPA) and irreversibly damage habitats of a large number of protected and threatened species including Lesser-spotted Eagle, White-tailed Eagle, White-backed Woodpecker, Capercaillie, Wolf and Lynx.

Alternative strategic route for Via Baltica corridor

As the Commission is aware, a Strategic Environmental Assessment (SEA) examining the most appropriate route for the Via Baltica international corridor is currently being undertaken by the Polish Roads Agency and is now due to be completed by September 2007. The SEA experts' report on the most promising routes assessed through a multi-criteria (economic, social, transport and environmental) analysis has already recommended five routes (see map below) – and these do not include the route along road no. 8/S-8 which includes two bypasses mentioned above and would damage three Natura 2000 sites.

Further, in advance of the SEA results, decisions continue to be taken on a large number of road projects on road 8/S-8 and connected road 19/S-19. This is likely to foreclose the proper consideration of alternative routes by the SEA. There is no doubt that the road connection between Bialystok and Warsaw needs improvement. However, directing the high volume of international traffic to the northern section of the road no. 8 will be very harmful to the Natura 2000 sites in this region and the Polish government should keep its promise to respect the results of the SEA.

Commission should press Poland for strategic assessment

We ask the Commission to press Poland to await the results of the SEA before determining the most appropriate route for the whole international corridor. The SEA process has stalled with no progress since December 2006. Worryingly it seems that the SEA process may be abandoned.

As the Commission is also aware, the Polish government has included road 8/planned expressway S-8 (including the section between Bialystok and Budzisko, at the national border, which is potentially most damaging to Natura 2000 sites) and expressway S-19 South from Bialystok on the indicative list of major transport projects in the Operational Programme "Infrastructure and Environment" (2007-13). This clearly demonstrates that the Polish government wants to upgrade the whole section of road no 8 from Warsaw to Budzisko (via Bialystok) to expressway standard utilising EU funds.

We urge the Commission to ensure that EU funds are not allocated to international standard upgrades on road number 8/S-8. In keeping with the requirements of the environmental acquis, funding must be allocated to the most suitable route for the Via Baltica international corridor as indicated by the results of an adequately undertaken SEA.

In the current process of approving Poland's Operational Programmes for EU funds the Commission has the opportunity to encourage Poland to increase its allocations for transport alternatives such as rail, inter-modal transport and regional and urban public transport. The current funding allocations within the transport sector are 25% for rail, 0.4% for inter-modal, 11% for public transport while more than half - 58% is planned to support roads. Changes in these funding allocations to increase the amount spent on transport modes other than roads would not only be more beneficial for nature but would also contribute to reducing CO2 emissions.

Polish Government over-simplification of case to local inhabitants

As we understand it, the major concern for the majority of local people is for the heavy traffic to be removed from their towns. An international standard road is not the only (or indeed the most appropriate) way to do this. However, we fear that at a regional level the situation being presented to local people is that they take the international road upgrade on the route suggested or risk having no road improvements. We believe that this over simplification of the situation stifles the debate and is

against the principle of partnership promoted by the Structural Funds. In addition, there are a significant number of local people who do not support the Augustow City Bypass on the proposed route through Rospuda Valley, a fact not widely reported. Having in mind the regional election and referendum on the route of Augustow bypass (planned for 20 May 2007) such disinformation campaign is going to intensify next weeks.

We urge cross DG cooperation to withhold EU funding

In 2001, the Commission clarified how it intended to deal with Member States which failed to provide a complete list of sites to be designated under the two Nature Directives (Commission Press Release IP/00/266). In particular, it stressed the possibility to suspend payments of Structural and Cohesion Funds. At that time, five Member States were warned that they might not be eligible for such payments. Finally, funds were withheld for the Walloon region in Belgium.

Given the current situation with Natura 2000 designation in Poland and the Via Baltica infringement proceedings, if Poland does not stop works on the Via Baltica projects we would urge DGs Transport, Regional Development and Environment to agree to withhold payments of Structural and Cohesion Funds to avoid destroying invaluable natural sites of European importance.

For more information, please contact:

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SEA Map – SCOTT WILSON

The following map from the draft SEA report summarizes the “best” routes for detailed study (from the consultants perspective) based on the analysis to date. As can be seen from this, route 42 is the route thought to be most promising. This is further west than road 8 - which is the road shown to the right of the figure going to Białystok via Augustów, Sztabin, Knyszyn.

