



**VIRGINIJUS SINKEVIČIUS**  
Commissioner for Environment  
Oceans and Fisheries

Brussels, 10/08/2023  
*Ref. Ares (2023) 8009512*

Ms Anna Cavazzini MEP  
European Parliament  
Rue Wiertz 60  
1047 Brussels  
BELGIUM

Dear Mrs Cavazzini,

Thank you for your letter of 24 July 2023<sup>1</sup> concerning the Turow mine in Poland and the ongoing permitting procedures for its operations. Following our previous discussions and exchanges on this important topic, I am happy to update you on the latest state of play.

I would like to start by recalling the action taken by the Commission in the framework of the interstate procedure under Article 259 TFEU related to the case of the Turow mine. In its reasoned opinion of 17 December 2020, the Commission found that Poland breached the Environmental Impact Assessment (EIA) Directive<sup>2</sup> in several instances. Some of these breaches were later confirmed by the Advocate-General in his opinion of 3 February 2022.

As Czechia withdrew its application from the Court of Justice, the case was discontinued. The Commission services reviewed the agreement reached by Poland and Czechia and preliminarily found that it does not infringe EU law. At the same time, the EU pilot investigation on the Turow mine and its compliance with environmental legislation remains open.

I note that the EIA decision for the mine is currently under judicial review by the Polish courts. On 18 July 2023, the Polish Supreme Administrative Court annulled a previous court ruling of 31 May 2023 to suspend provisionally the EIA decision issued for the Turów mine.

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<sup>1</sup> Ref. no. Ares(2023)5126462.

<sup>2</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification), *OJ L 26, 28.1.2012, p. 1–21*.

The decision is therefore still in force. According to the available information, the ruling on the merits of the case, i.e. the legality of the EIA decision, is expected on 31 August 2023.

The Commission monitors closely the developments at the national level. Once the national proceedings are finalised, the Commission services will complete their analysis of the legal status of the mine to ascertain whether the previously identified breaches of the EIA Directive have been rectified, taking into account the alleged negative environmental impacts of the mine. The Commission will decide on the next steps on that basis. At the same time, I recall that it is for the Polish authorities to correctly apply the EU law and to implement the decisions and rulings of the national courts.

It is also primarily for the national governments to cooperate on matters of transnational interest and to find appropriate solutions. EU environmental law, including the EIA and the Water Framework Directives, contain provisions which facilitate that cooperation. The Commission services stand ready to support the Member States concerned in their cooperation, should they consider it appropriate.

As regards the information on water levels on the German territory, the Commission services received additional analyses on the environmental impact of the mine in the framework of the complaint procedure. This information is being assessed and will be taken into account in the above-mentioned decision on the next steps.

Yours sincerely,



Virginijus Sinkevičius