

To: Virginijus Sinkevičius, Commissioner for Environment, Oceans and Fisheries

Brussels, 24. July 2023

Dear Commissioner Sinkevičius,

It has been more than three years since the Commission received a complaint, filed by citizens losing water as a result of EU law violations. On 31 May 2023 the Polish court suspended the EIA decision because mining in Turów may lead to irreparable damage.

All concerns that I have raised in previous letters and a lot more have surfaced since then and did not disappear. The Commission has not for a long time acted in defence of Rule of Law.

The Commission has three complaints on the table - one from Liberec region (Czechia), one filed by Saxony region (Germany) and another one filed by locals and non-governmental organisations (Czechia and Germany).

The open pit mine has been shown to affect the water supply of thousands of Czech families, while on the German side, it is causing soil subsidence that is damaging homes in the vicinity of the German town of Zittau. This was confirmed again by new studies and the newest monitoring data in 2023.

I am therefore asking you to act on those complaints, since the litigation launched on the basis of Article 259 TFEU is concluded, and start infringement proceedings.

The agreement negotiated between Czech and Polish governments does not protect EU citizens from having their rights violated. It does not stop water draining from their territory, and neither does it stop breach of EU law. More than one year since the conclusion of the agreement the latest development shows that necessary data are not available to the public as it should be according to the Access to environmental Information Directive, nor the water declination has been stopped.

The Turów Mine continued its operation without proper EIA decision and mining license for more than half year in 2022. Now the Polish court suspended the EIA decision, so the Turów Mine will again operate without fulfilling all legal requirements.

Indeed, this case is as much about the Rule of Law as it is about protection of the environment.

The new legislation adopted in Poland in 2021 as a response to the proceedings in front of the CJEU allowed the Polish court to suspend the EIA decision on 31 May 2023 to avoid any further environmental damage. Unfortunately Polish representatives and president of PGE, the operator of the Turów mine and plant, refuse to adhere to this decision and boldly admitted that they will not follow the court's ruling.

We finally need a solution to preserve the Rule of Law. Dialogues are important, but compliance with the legal framework is the basis of any cooperation.

I believe that Turów is a landmark case, which can teach us all some valuable lessons. The EU cannot afford to have its rules and institutions undermined. With the European Green Deal and crucial legislation coming we need our system to work and we need our community to stick together. Let us all do the best that we can to make this three-country region a showcase of a just transition.

I would therefore like to express my support to the European Commission to take further steps against the breach of law by Poland and the Czech Republic and to start infringement proceedings for violation of several EU directives taking into account the complaints of the Liberec region, from Saxony, and the one filed by locals and non-governmental organisations. Furthermore I ask you to find a workable, lasting solution between the three neighbouring countries.

Yours sincerely,
MEP Anna Cavazzini (Greens/EFA)