

Dear Commissioner Sinkevičius,

We are writing to you with grave concern regarding the events at the mining sights of the Turów mine at the Czech-Polish borders. We would like to express our concern with how the events are unfolding and with the lack of concrete measures being taken to protect local inhabitants and the environment in this region. We fully support the complaint written by Frank Bold, an expert group which has been working on this issue in the past years, and submitted by Greenpeace Czech Republic, BUND Sachsen and Sousední spolek Uhelná.

Groundwater from the Czech Republic, Uhelná and surrounding areas is declining in such an amount that it falls under the definition of environmental damage established in the ELD. We disagree with the negotiated terms and wording of the agreement on resolving the impact of mining activities in the Turów mine concluded by Prime Minister Fiala and Prime Minister Morawiecki, and further disagree with the clandestine manner of the negotiations, which denies basic principles of transparency.

Furthermore, the agreement between Poland and the Czech Republic is utilising outdated data, hence leading to flawed conclusions, therefore it is in violation of the EIA Directive. It circumvents national and EU law obligations. While the agreement does contain payment obligation of Poland to the Czech Republic for emergency water pipeline infrastructure, it contains no obligation to provide preventive measures which would protect Czech groundwater, in violation of the ELD directive. In addition, the agreement prevents the Czech party from bringing any infringement procedure concerning the Turów mine which prevents the Czech side from taking any action against the violation of the ELD by the PGE Group or Polish authorities. Furthermore, the agreement tries to prevent access to information about water drainage in the mine and the underground barrier, which is in direct breach of the Access to Information Directive. Sharing this type of information can in fact not be a breach of confidentiality of commercial or industrial information if the requested information relates to the environmental impact of an undertaking's operational activities.

If the water outflow from the Czech territory is not stopped, the inhabitants of the surrounding villages risk running out of water in 5 years at the latest. However, if mining continues to approach the border, an absolute water shortage could occur much sooner. Additionally, EU member states cannot agree among themselves to circumvent European legislation regarding environmental protection.

We hence kindly request you to take rapid measures to prevent the Czech Republic from breaching the EU law and jeopardising the water security of the region. We are not calling for a total halt to the operations at the Turów mine. In these trying times, we completely understand the need for a secure supply of energy.

However, it is up to the Commission to uphold EU law and start an infringement process against the Czech Republic for breaching EIA Directive, ELD Directive and Access to Environmental Information Directive, respectively. The commission should ensure that all environmental information regarding the impacts of the mining shall be open to the public and that concrete preventive measures based on this updated data will be enforced to ensure the water security of the local region.

Best Regards,

Mikuláš Peksa
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