

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

Cc-ed: Frans Timmermans, Executive Vice-President for the European Green Deal

Brussels, 17 March 2022

Dear Commissioner Sinkevičius,

It has been almost two years since we have shared with you our concerns regarding the Turów case.¹ It is more than two years since the Commission received a complaint, filed by citizens dramatically losing water as a result of EU law violations. This case has become well known, and in many ways a rather symbolic one, and it continues to be so despite recent developments.

All concerns that we have raised in our letter and a lot more have unfortunately surfaced since then. Despite several steps where the Commission acted in defence of Rule of law, this case is dragging on and has led to serious cross-border tensions.

The Commission has two complaints on the table - one from Liberec region (Czechia) and another one filed by Saxony region (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.

We are therefore asking you to act on those complaints, since the litigation launched on the basis of Article 259 TFEU is concluded. The deal 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. The deal is about compensation, it is not solving the problem. It is clear from the statement of the ECJ's Advocate General who in his opinion of February 3rd² shared the concerns raised by the Czech side about the breaches of EU law. Indeed, this case is as much about the Rule of Law as it is about protection of the environment.

EU institutions have so far been more of bystanders in the legal case, observing how Poland and Czechia are juggling with the EU law. A lack of firm action from the Commission brought

¹ In a letter of February 17th 2020 by a group of Members of the European Parliament (reply from the Commission Ref. Ares(2020) 1291989) in which we expressed our concerns among others regarding the breach of several EU laws by Poland and impacts of extension of the open-pit mining until 2044 on public health, climate and environment.

² Please see Advocate General's Opinion in Case C-121/21 Czech Republic v Poland (Turów mine) <https://curia.europa.eu/juris/document/document.jsf?text=&docid=253306&pageIndex=0&doclang=FR&mode=req&dir=&occ=first&part=1&cid=310771>

Czechia and Poland to the Court of Justice of the EU (CJEU) in the first place, having an impact on their relationship. The Polish government has so far successfully avoided all duties resulting from ignoring EU law: refusing to obey the CJEU's order on interim measure, not paying the fine, which came as a consequence and openly declaring that they "can afford" financial repercussions instead of the mine's closure. Czechia was not able to convince the Polish government to obey EU rules. However, it should not even be a task of one EU member state to do so.

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.

We believe that Turów is a landmark case, which can teach us all some valuable lessons. The EU system and EU community cannot afford to have its rules and institutions undermined. With the European Green Deal and crucial legislation coming along 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.

We would therefore like to express our support to the European Commission to take further steps against the breach of law by Poland and to start infringement proceedings for violation of several EU directives.

Yours sincerely

Martin Hojsík (Renew Europe)

Anna Cavazzini (Greens/EFA Group, Chair of the IMCO Committee)

Tiemo Wölken (S&D, ENVI coordinator)

Nils Torvalds (Renew Europe, ENVI coordinator)

Bas Eickhout (Greens/EFA Group, ENVI coordinator)

Pascal Canfin (Renew Europe, Chair of the ENVI Committee)

Robert Biedroń (S&D, chair of the FEMM Committee)

Michal Šimečka (Renew Europe, Vice-president for Human rights and Democracy)

Róza Thun und Hohenstein (Renew Europe)

Marcel Kolaja (Greens/EFA Group)

Mikuláš Peksa (Greens/EFA Group)

Markéta Gregorová (Greens/EFA Group)

Sylwia Spurek (Greens/EFA Group)

Constanze Krehl (S&D)

Cornelia Ernst (GUE/NGL)

Members of the European Parliament