



Brussels, October 2nd 2007

Marek Michałowski – President of the Management Board
Dariusz Blocher – President of the Board
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Dear Mr. **Michałowski** and Mr. **Blocher**,

We wrote to the President of your company on January 29th this year to inform about the legal responsibilities regarding the planned construction of the Augustow Bypass through wetlands in Rospuda Valley (located in the Augustow Primeval Forest protected Natura 2000 site) situated in the North-east Poland.

We are writing to update you on developments on this case, some of which we believe you may already be aware of.

On March 21st the European Commission referred Poland to the European Court of Justice (ECJ) for breaching EU environmental law by planning the construction of the Via Baltica expressway through the protected Rospuda Valley, in north-east Poland. The case is currently in the Court proceedings.

The ECJ decision on July 18th to reject Poland's request for the case to be heard through an accelerated procedure is likely to mean that it may be two years before an ECJ judgement is given. This is another strong argument to, in line with EU and Polish law, strategically seek an alternative route which could be completed more quickly and which would not be at risk from being cancelled by Court decisions. We strongly feel that this would be best solution for local residents, for the development of Polish infrastructure, for the involved companies and last but not least for the valuable natural heritage of Poland.

At national level, on April 26th the Provincial Administrative Court in Warsaw [Wojewódzki Sąd Administracyjny w Warszawie], revoked the intermediate order of the Minister of Environment of 14th July 2006 No. DOOŚ-8062/2006 concerning the agreement on the environmental conditions for the consent to implement the project. It also revoked the preceding order of the Minister of Environment of 21st April 2006. The Provincial Administrative Court is also due to consider the environmental consent for Augustow Bypass, which was issued based on the (now revoked) intermediate orders of the Minister. A date is expected to be set for the hearing shortly.

Finally, last June, members of the Petitions Committee of the European Parliament visited Poland on a fact-finding visit to meet with all interested parties and local people concerned by plans to construct a

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roadway that would include bypass of Augustow, in north-eastern Poland. The report from the mission was adopted by the Petitions Committee at its meeting on September 13th.

The report found that the Via Baltica strategic road network in Central and North-East Europe is essential to the economic and social cohesion of the EU as a whole. However, the fact finding mission of the EP Petitions Committee also confirmed that the Via Baltica road as it is currently proposed would cross very sensitive Natura 2000 areas as it encroaches upon Special Protection Areas designated by the Polish authorities under the EU Birds Directive. It would also put at risk sites proposed for protection under the Habitats Directive.

The Committee agreed that Polish authorities failed to demonstrate that alternatives to the current road construction project have been properly examined and that the so called "Lomza alternative route" urgently deserves a more thorough and objective assessment.

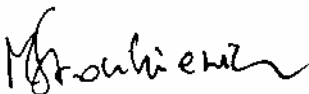
The Report provides several recommendations including among others:

- recommending development of the alternative route Lomza – Chodorki – Suwalki for the Via Baltica road transit corridor;
- encouraging the European Commission to assist the Polish authorities with funds for road safety;
- supporting the development of Via Baltica on the basis of a properly conducted SEA;
- supporting development of rail freight and passenger transport between Finland and the Baltic States and Warsaw.

Please find the whole report attached for your information.

We do hope you will consider all these developments in the light of your responsibilities as Augustow bypass project operator, in the context of EU Liability Directive 2004/35/CE.

Yours sincerely,



Magda Stoczkiewicz
Policy Coordinator
CEE Bankwatch Network

Also on behalf of:

Konstantin Kreiser, EU Policy & Advocacy Officer
Małgorzata Znaniecka, IBA casework officer, Polish Society for the Protection of Birds (Ogólnopolskie Towarzystwo Ochrony Ptaków)
Joanna Furmaga, President, Polish Green Network

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