



Brussels, Warsaw, Krakow January 29<sup>th</sup> 2007

**Stefan Bekir Assanowicz - President**  
**BUDIMEX DROMEX S.A.**

ul. Stawki 40, 01-040 Warsaw, Poland

fax: (+48) 022 623 60 01 e-mail: [info@budimex.com.pl](mailto:info@budimex.com.pl)

Dear Mr. Assanowicz,

We are writing to you to inform you about the legal responsibilities regarding the planned construction of the Augustow Bypass through wetlands in Rospuda Valley (located in Augustow Primeval Forest protected Natura 2000 site) situated in the North-east Poland.

On the 24<sup>th</sup> of January 2007 your company was chosen to construct the bypass of Augustow city. We would like to draw your attention to the following facts and advise you to consider the legal consequences connected with this road project carefully:

1. The environmental consent for the construction of Augustow bypass was granted without proper consideration of alternative solutions.<sup>1</sup> Parties to the Environmental Impact Assessment (EIA) procedure have appealed to the Ministry of the Environment against the non-compliance of this consent with Polish and European environmental law. This case is still pending.
2. The construction permit has not been granted yet.
3. The Polish Ombudsman warned recently in his letter to the Minister of Environment that the construction of the bypass through Rospuda is prepared in breach of the Polish Constitution which ensures environmental protection and sustainable development.
4. In its letter of 28 June 2006 to the Polish Ministry of Foreign Affairs the European Commission informed the Polish Government about the **non-compliance of Polish law** with European Directive 85/337/EEC (the EIA Directive) as amended by European Directives 97/11/EC and 2003/35/EC. The environmental consent for the construction of the Augustow Bypass was based on the EIA procedure questioned by the Commission.
5. **The European Commission is taking legal action against the Polish government for consenting to eight road projects along the Via Baltica route, which would severely damage important and protected, natural sites without proper compliance with the EU Nature**

---

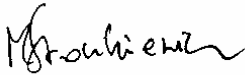
<sup>1</sup> During the EIA process scientists and non-governmental organizations officially proposed an alternative route bypassing the Natura 2000 site and Augustow city with a bridge over the river in Chodorki village. This alternative was supported by reliable studies and documents which justified this new location on environmental, financial and legal grounds. More information available in Polish: <http://www.viabalticainfo.org/spip.php?rubrique19>

**Directives<sup>2</sup>. This infringement procedure includes the proposed construction of the Augustow bypass.<sup>3</sup>**

Several Polish Non Governmental Organisations supported by scientists have conducted detailed research about the possible impacts of the Augustow bypass on birds and habitats included in the Annexes of the Birds and Habitats Directives. The variant proposed for construction is not only the most expensive, but is also one of the most damaging for the Rospuda Valley, which has been included in the Augustow Primeval Forest Natura 2000 site. Based on the scientific data we have collected, we think that the proposed bypass will have significant adverse effects on reaching or maintaining the favourable conservation status of a number of habitats and species protected under **Directive 2004/35/CE on environmental liability and relevant currently prepared equivalent national legislation (Polish Environmental Protection Act and Environmental Liability Act)**. If the project goes ahead in the way it is currently planned, even if it were to receive the construction permit, the developer and/or operator of this project will be responsible for preventing and/or restoring any damage they cause to these habitats and species under the Environmental Liability Directive. In such circumstances, we will consider taking legal action against the project developer and/or operator, as appropriate, with the aim of securing the prevention or restoration of the relevant damage.

We strongly believe that you should consider the implications of Directive 2004/35/CE on environmental liability very seriously.

Yours sincerely,



Magda Stoczkiewicz, Policy Coordinator CEE  
Bankwatch Network, Brussels



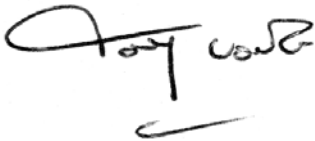
Robert Cyglicki, Polish Green Network/ CEE Bankwatch, Poland



EU Policy Manager BirdLife International - European  
Division



Izabela Flor, Executive Director, the Polish Society for the  
Protection of Birds



Tony Long, Director, WWF European Policy Office,  
Brussels



Marta Majka Wisniewska, EU Policy Officer, WWF Poland

<sup>2</sup> Directive 79/409/EEC (the Birds Directive) and Directive 92/43/EEC (the Habitats Directive).

<sup>3</sup> More information can be found on the EC website:

<http://www.europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1757&format=HTML&aged=0&language=EN&guiLanguage=en>