

Ms. Ursula von der Leyen
President of the European Commission

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Executive Vice-President for the European Green Deal
European Commission

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Commissioner for the Environment, Oceans and Fisheries
European Commission

Ms. Elisa Ferreira
Commissioner for Cohesion and Reforms
European Commission

By electronic mail

Brussels, 29 April 2021

Re: One year of illegal mining in Turów

Dear President, dear Executive Vice-President,

May 1st 2021 marks the first anniversary of the starting of illegal mining operations at the Turów coal mine, located in Poland at the border with Germany and the Czech Republic.

In order to prolong the mining concession in Turów, Poland amended the land use plan in May 2019, issued an environmental permit including an environmental impact assessment for the extension in January 2020, and made it immediately enforceable. In March 2020, Poland prolonged the mining concession originally granted in the 1990s until 2026 without any transboundary consultation, nor any other form of public participation. At the moment, despite two independent studies showing that the Polish electricity grid can function without Turów from 2027 onwards¹, the mine owner PGE aims to continue mining until 2044.

In its reasoned opinion released on December 17th 2020², answering to a complaint filed by the Czech Republic under Article 259 TFEU, the Commission has recognised that Poland is infringing at least two EU laws on the following grounds:

- The Polish law incorrectly transposes the access to justice provisions of the Environmental Impact Assessment Directive (2011/92/EU).
- Polish authorities have incorrectly applied the provisions of the Environmental Impact Assessment Directive (2011/92/EU) and Access to Information Directive (2003/4/EC), as regards information to the public and Member States involved in transboundary

¹ <https://kike.org.pl/strategia-transformacji-elektrowni-i-kopalni-w-turowie-raport-kike/> and <http://instrat.pl/en/coal-phase-out/>

² https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2452

consultations, access to justice, as well as the principle of loyal cooperation enshrined in Article 4(3) of the Treaty on the European Union (TEU).

Several attempts by Czech and German authorities³ to reach an agreement with the Polish counterparts failed due to the unwillingness of the latter to find a common solution. This caused the Czech Republic to file a lawsuit against Poland at the European Court of Justice on February 22nd 2021.

Over the last year, communities in the Czech Republic and Germany have been suffering the disruptive effects of the Turów mine: whereas Czech communities endure on daily basis a lack of drinking water drained by the mine, in Germany the citizens of Zittau are experiencing damages to their homes, including cracks in the walls, as the Turów mine is causing land subsidence across the border. This is why both Czech and German local authorities have filed official complaints against Turów to the European Commission, also claiming breaches of other EU environmental protection acquis such as the Water Framework Directive.

The Czech and German impacted communities are tired of being left in this stalemate and to struggle every single day for their basic rights, such as access to water and safe houses. At the same time, Polish coal communities are also suffering, and risk not to receive support from the Just Transition Fund due to the lack of commitment by Polish authorities to design a coal phase out for the region.

The Turów mine has been operating illegally for a year now. So far, the Commission has failed to act decisively on this case; as the Guardian of the Treaties, it is the Commission's role to enforce EU laws, substantiate the European Green Deal, and protect communities across the EU from the impacts of illegal mining. For these reasons, we call on you to hold the Polish authorities accountable for the breaches in the implementation of EU directives by joining the Czech Republic in the Court case, and to immediately start an infringement procedure against Poland.

Yours faithfully,

Jeremy Wates
Secretary General
European Environmental Bureau

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Managing Director
Europe Beyond Coal

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Project Coordinator
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³ Namely, the city of Zittau (DE), members of the Saxon State Parliament and the District of Görlitz, as well as citizens of the city of Zittau.

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