

## Nature Conservation in Europe: Approaches and Lessons

### Annex PL.3. The Rospuda Case: the Power of Natura 2000 as First Shown in Poland

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Rospuda is a river in Augustów Forest, with one of best-preserved alkaline fens (Habitats Directive Annex I code 7230) in Poland (Wołejko *et al.*, 2019). The upgrade of the S8 motorway, connecting Warsaw and the Baltic states, was considered for years. Part of this upgrade was building a bypass of Augustów, a town in north-eastern Poland. In the 1990s a route crossing Rospuda valley was recommended without considering alternatives. Although NGO protests were not effective, they were eventually followed by an investigation and the start of a complaint procedure under the Bern Convention (see NCE Section 3.5, Stroud *et al.*, 2023). In the meantime, in 2003 the road building project was approved.

After Poland's accession to the EU in 2004 the conflict became stronger, as the Rospuda river and fen became part of a Natura 2000 site. Despite this, the decision to build the road across the fens was supported by the Ministry of Environment. In the opinion of the Ministry's experts the impact of the road on the fens in the Natura 2000 site would be insignificant. This was opposite to the opinion of most scientists and naturalists. An NGO coalition took the decision to the Polish administrative court and sent a complaint to the European Commission. Building works started but were physically blocked by activists.

After a very fast infringement procedure, the European Commission took the case to the CJEU, accusing Poland of violation of Article 6(2) of the Habitat Directive, and asking also for a temporary order to stop the works. In response, the Polish government promised to stop building works voluntarily. In the meantime, the Polish Administrative Court, applying the EU legal rules, cancelled the building consent.

After the election in 2007, the new Polish government decided to re-examine the case and in 2009 cancelled the building contract. After reconsidering the impact assessment, an alternative route that avoided conflicts with the Natura 2000 site was chosen in 2011. Finally, in 2014 the road was built. The case became a turning point in the Polish society's awareness of Natura 2000 and the proof that it must be considered as a strong protection regime. It is considered also as an example of rising environmental values in public awareness and norm empowerment in the EU (Szulecka and Szulecki, 2013). Investment planning and authorisation practices in Poland have since changed towards improved consideration of environmental aspects.

### References

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