

**Question for written answer E-003115/2023
to the Commission**

Rule 138

Sylwia Spurek (Verts/ALE)

Subject: Construction of A2 motorway in Poland in areas protected under EU law

In Poland, the construction of the A2 motorway Warsaw-Kukuryki on the section from Siedlce to Cicibór junction (with interchange) is currently under way. Section VI from km 561+440 to km approx. 580+190 with the 'Borki' interchange, with a length of approx. 18 750 km. According to a letter sent to the office of Sylwia Spurek, MEP, the motorway is being built in areas protected under EU law, and the investment may infringe the law by not complying with Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 79/409/EEC on the conservation of wild birds. The investment is being implemented on the basis of a decision of the Regional Director for Environmental Protection in Warsaw of 13 January 2023 (sign: WOOŚ-II.4222.5.2022.MC.58).

1. Is the Commission aware of the above-mentioned investment and the fact that it may be in breach of EU law?
2. How does the Commission assess the investment in the context of the correct application of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 79/409/EEC on the conservation of wild birds?
3. Does the Commission intend to take any action to stop the above-mentioned investment and will the Commission look into the matter so as not to create a precedent on the basis of which authorities in the Member States might issue rulings potentially contrary to EU law?

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