

DG ENVI comments on OP Transport.doc

The Strategic environmental impact assessment (SEA)

A Strategic environmental impact assessment (SEA) of this OP has been carried out. The Czech authorities should demonstrate the compliance with the Directive 2001/42 on the SEA by providing the Commission with the following documents:

- a) The **non-technical summary** (NTS) required under Annex I (j). This should be checked to ensure that it covers adequately the items listed in Annex I to the SEA directive.
- b) **Information on public consultation** (including public consultation in other Member States for cross border projects) and consultation of environmental authorities (i.e. who was consulted and how, including the timeframe for responses).
- c) The information on the decision required by Article 9: i.e. the plan or programme, a **statement** summarising how environmental considerations have been integrated into the plan or programme, how the environmental report and the results of consultations (with the public, the environmental authorities, and the public in other MS where relevant) have been taken into account, and why the plan or programme or the proposed major projects were chosen in the light of other reasonable alternatives.
- d) The **description of the measures decided concerning monitoring** foreseen in Articles 9(1) (c) and 10.

The Czech authorities are invited to provide the above-mentioned documents in an appropriate level of quality.

In order to speed-up the negotiations of the OP Transport, the Czech authorities are invited to provide the Commission with further evidence which may help the Commission to examine whether the EC acquit has been respected or not (in addition to the above-mentioned documents a-d). An evidence on how the major projects (listed on the indicative list attached to the OP) have been assessed within the SEA, should be provided.

The partnership principle

The Article 11 of the Council Regulation 1083/2006 envisages that the relevant partners (including environmental partners) should be fully involved in the preparation, implementation, monitoring and evaluation of an OP. However, according to the information available to the Commission services (complaints), this principle has not been fully respected. The Czech authorities should provide detailed information on how the comments of all NGOs, especially environmental NGOs, have been responded and how they have been taken into account.

Additional comments related to the Environmental impact of the OP Transport

Green public urban transport

With a view to ensure compliance with EC legislation in the field of air quality and ambient noise and to contribute to the reduction of greenhouse gas emissions, **development and implementation of sustainable urban transport plans and integrated environmental management plans** should be prepared at least for conurbations with more than 100,000 inhabitants. This has been strongly recommended in the thematic strategy on urban

environment by the Commission and supported by the Member States (ref.: http://ec.europa.eu/environment/urban/pdf/com_2005_0718_en.pdf).

In that respect, the analytical part of this OP describes negative impacts of the constantly growing individual car transport, especially in urban areas. However, there is only very limited information on improving the urban public transport system which Commission believe is important. It is proposed to enlarge the scope of the current priority axis 5 (for the time being devoted only to Prague) to "green" public urban transport in other major conurbations of the Czech Republic (e.g. a construction of cycling paths could be considered).

As regards, the proposed project for the extension of the metro line A (Dejvická – Petřiny) – see comments in the part "indicative list of major projects".

Climate Change

Taking serious steps to combat climate change (in terms of mitigation and adaptation), as one of the most serious environmental, social and economic threats, is one of the priorities of the Commission. However, the analysis of the OP Transport shows that this issue is merely mentioned despite the fact that transport is the second largest source of greenhouse gas (GHG) emissions. Czech authorities are invited to add the data concerning the trends of GHG emissions (e.g. data similar to the ones provided on firm particles). It should be underlined the importance of adopting specific evaluation tools for greenhouse gas emissions to help the CZ competent authorities monitor the environmental impact of transports in terms of climate change.

Nature and biodiversity

The data on proximity of transport infrastructure to designated protected areas should be added by the responsible Czech authorities. All the projects have to be properly assessed from the point of view of possible impacts on Natura 2000 sites. Furthermore, the OP Transport should create a framework within which the future beneficiaries would be explicitly obliged to carry out activities for **lowering the barrier effects of transport on fauna** (such as undergrounds, fly-overs, green bridges, eco-ducts).

Air

Substantial efforts will be needed in order to meet the targets of the Commission Thematic Strategy on Air Pollution (Communication COM (2005) 447). This is notably the case for SO₂, NO_x, VOC's, ammonia and PM 2.5 for which additional reductions of respectively 37 % (SO₂), 30 % (NO_x), 18 % VOC, 33% (ammonia) and 27 % (PM 2.5) will be required by 2020.

Furthermore, according to the latest official reports (year 2003), the limit values for the dangerous particulate matters (PM10) have been exceeded in all the 18 monitored zones in the Czech Republic (http://ec.europa.eu/environment/air/zones_member_states.htm).

The measures responding to this situation should be explicitly mentioned in this OP Transport. Such measures could include for instance improved facilities for and the promotion of non-motorised transport, the promotion of low emission (pollutants and noise) vehicles, improving public transport facilities, car sharing schemes, the support to schemes to improve lorry energy use, etc.

Ambient noise

The issue of noise is not adequately addressed in the OP Transport. A support should be foreseen for **drawing up ambient noise maps as well as drawing up and implementing noise action plans required** by the Directive 2002/49/EC for agglomerations with more than 100,000 inhabitants, major roads, major railways and major civil airports designated by Member states in accordance with this Directive (see: <http://ec.europa.eu/environment/noise>).

Inland waterways

The environmental impacts (both positive and negative) of the inland water transport should be taken into account. The requirements of the Water Framework Directive (WFD) to prevent a deterioration of water bodies (in the case of this OP especially the river Elbe seems to be concerned) should be mentioned. It should be noted that any new project affecting the water status needs to undergo an impact assessment according to Article 4.7 of the WFD. This assessment is to be checked against the following criteria:

- the reasons for the planned modifications or alterations are of overriding public interest and/or the benefits to the environment and to society of achieving the objectives of “good status” and “non-deterioration” are outweighed by the benefits of the new modifications to human health, to the maintenance of human safety or to sustainable development,
- the beneficial objectives served by those modifications or alterations cannot for reasons of technical feasibility or disproportionate costs be achieved by other means, which are a significantly better environmental option,
- all practicable steps are taken to mitigate the adverse impact on the status of the body of water, and the reasons for those modifications or alterations are specifically set out and explained in the river basin management plan.

As regards the indicative list of major projects included in the OP

1. Brno – Vienna connection (expressway R52) – priority axis 2

There seem to be two principal alternative alignments of connecting Brno with Vienna within the TEN-T priority project PP25 – via Mikulov/Drasenhofen or via Břeclav. The latter has yet not been duly examined. The Commission services has received and examining a legal complaint on this issue.

2. The outer ring of Prague (R1 – Ruzyne – Brezineves) – priority axis 2

There seem to be also two principal alternative alignments of this TEN-T priority project either via Suchdol or via Řež. The latter has not yet been duly examined. The Commission services has received and examining a legal complaint on this issue.

3. The railway station in Brno – priority axis 3

There seem to be two principal alternatives – either a relocation of the railway station further away from the city centre or its modernisation at the current site. The latter alternative has not yet been duly examined.

These three projects seem to have several common features:

- They are important from the transport point of view and a solution has to be found as soon as possible;
- They could have significant negative impacts on human health and the environment;
- They are controversial and politically sensitive;

- there are usually two principal alternatives – one of them being neglected despite the fact that it seems to have less negative impacts on human health and the environment, it seems to be (significantly) cheaper and also more advantageous from the transport point of view.

The Commission is aware of the fact that the discussions about the alternative solutions to the three above-mentioned projects last already for many years. A comparative independent study of the principal alternatives solutions from the transport, economic, social and environmental perspectives should be carried out (the Technical assistance and the TEN-T budget may be used for this purpose). The result of this study will then be important for the Commission when evaluating these major projects. This approach will certainly avoid problems at a later stage during this programming period.

The expressway R43 – priority axis 2

This expressway is designed to cut through heavily populated parts of Brno. Not only an alternative alignment avoiding these districts of Brno but also the zero alternative should be seriously considered - if it is decided to connect Vienna with Brno via Břeclav, then the heavy traffic from Austria to Poland could make use of the R55, thus avoid the agglomeration of Brno and then there would be no imminent need for constructing the R43.

The expressway R 35 – priority axis 2

The envisaged alignment would endanger the **Natura 2000** SPA site Komárov as well as the Protected Landscape Area Český Ráj (besides others a UNESCO site). Alternative alignments (which seem to exist) of this expressway avoiding adverse impacts on these areas should be chosen.

Prague metro – line A (priority axis 5)

The metro of Prague is considered to be a sustainable mean of urban transport. Nevertheless, the key justification for this project related to the extension of the metro line A (Dejvická – Petřiny) is its future connexion to the Prague airport. At the same time, the railway project Prague – Kladno (within which an express railway to connect the Prague airport will be constructed) is envisaged in the priority axis 3. Please note that the Commission has already supported the idea of connecting the Prague airport by the railway – besides others a comprehensive study for the above-mentioned railway has been financed from EU funds. The feasibility of a parallel costly metro line should be reconsidered. Instead, the EU funds could be used for co-financing of other projects in the sustainable urban public transport within the same priority axis.

Děčín dam (priority axis 6)

The valley of the river Elbe in the vicinity of the Czech-German border should have been designated as a Natura 2000 site. However, the Czech authorities have not yet done so. The Commission has even registered a legal complaint on this issue. Furthermore, the project can hardly be justified in a cost-benefit analysis (there is a railway with unused cargo capacity next to the river, there are no works currently envisaged for improving the navigation on the German side of the border, etc.).

Other projects with potential adverse environmental impacts

Commission services would like to underline the fact that also, in other controversial cases a solution with the least negative environmental impacts, could be found. These cases

involve for example the construction of D3 in the area of the river Sázava, the expressway R48 (the ring of Frýdek-Místek), the expressway R55 in the area of Strážnice.

Indicators

The system of indicators should be revised and should include also indicators which make it possible to measure impacts of this OP on the environment.

The indicator on "Reduction of greenhouse emissions (CO₂ and equivalents, kt)" should definitely be included for all the priority axes (it is the core indicator 30 for ERDF and CF – see the Practical Guide on Indicators).