

Brussels, 4.4.2007  
A 421 - D 337

**Subject: Construction of the TEN – T network in the Czech Republic**

Dear Senator,

Thank you for your letter of 8 February 2007 on the construction of the TEN – T network in the Czech Republic raising your concerns regarding aspects of the bypasses of the cities of Prague and Brno and the SEA for OP Transport.

I can assure you that DG ENV is following the development of the three projects, i.e. the bypass of Prague (Motorway R1), the connection Brno-Vienna (Motorway R52), and the bypass of the Brno Agglomeration (Motorway R43), with a great attention. It is necessary for all three projects to be assessed in conformity with EC legislation in order to be financed or co-financed from the EU budget.

In all three cases, there seem to be two principal alternatives available. I am also aware of the fact that the discussions about these alternatives have been ongoing for many years without any real outcome. The alternatives shall be assessed according to Czech legislation in conformity with the EIA and SEA Directives, including public participation as required. Furthermore, should any of the projects have a possible impact on Natura 2000 sites, the regime of Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora applies. Should this be the case, it would be very useful to provide information to this end. It may also be practical to carry out an independent comparative study of the two alternatives from the transport, economic, social and environmental perspective. Since all the projects mentioned in your letter have been included in the draft Operational Programme (OP) Transport, European funding could be used for these purposes (e.g. TEN-T, JASPERS, Technical assistance within structural funds/Cohesion fund).

Mgr. Martin Mejstřík  
Senator, Club of Open Democracy  
Parliament of the Czech Republic  
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118 01 Praha 1  
Czech Republic

A meeting on these three projects with representatives of NGOs was initiated by DG ENV. It took place on 20 February 2007 with participation of DG TREN and DG REGIO and it provided useful information to our services.

In case of a breach of Community law in any of these cases, an infringement procedure may be opened by the Commission. For this purpose it is necessary to provide us with supportive documents enabling us to assess which requirements of EC legislation have not been fulfilled.

Details on submission of complaints, including the standard form, can be found by following the link below on the *Europa* website:

[http://ec.europa.eu/community\\_law/complaints/form/index\\_en.htm](http://ec.europa.eu/community_law/complaints/form/index_en.htm).

For your information, I would like to add that an infringement case regarding the conformity of Czech legislation with the EIA Directive, namely conformity with Article 10a thereof, has already been launched.

Your letter also refers to the strategic environmental impact assessment (SEA) carried out on the OP Transport. Please note that it is only after the negotiations on the National Strategic Reference Framework are finalised, that the Operational programmes can be formally discussed. Nevertheless, DG ENV has proactively asked for all the documents related to the SEA on the OP Transport and for an informal meeting with the relevant Czech authorities in order to prevent future problems.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stavros DIMAS', written in a cursive style.

Stavros DIMAS