

Brussels, 08.03.2007
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Mgr. Martin Mejstřík
Senator
Club of Open Democracy
Parliament of the Czech Republic
Valdštejnské nám. 4
CZ-118 01 Praha 1

Dear Mr. Mejstřík,

Thank you for your letter of 8 February 2007 in which you raise again the issue of possible problems in connection with the construction of the TEN-T network in the Czech Republic. You refer in particular to some aspects of three road projects, namely the bypass of Prague city (Motorway R1), the bypass of Brno agglomeration (R43) and the connection between Brno and Vienna (R52).

In your letter you mention mainly three points. Firstly, that these projects, as currently planned by the Czech authorities, are facing problems in relation to Czech legislation, secondly they are facing problems in relation to the EU Environmental legislation and TEN-T policy and thirdly that there is a risk of misuse or waste of EU Funds in co-financing these projects.

As regards the problems in relation to the Czech legislation, it should be stressed that these complaints (i.e. approval of land use plans) fall under the competence of the Czech Courts. Should the Czech Courts conclude that a project is in violation of the national legislation, it is obvious that this project could not be co-financed by the EU Funds.

As regards your point in connection to the eventual violation of the EU legislation (i.e. EIA, SEA and the Decision n° 1692/96 referring to the TEN-T network), I would like to inform you about the following:

- Czech authorities should fully respect the Czech and EU Environmental legislation in connexion to the EIA, SEA and Natura 2000. On that issue, I know that my colleague, Commissioner Dimas, to whom you sent a similar letter, will reply to you accordingly.
- Furthermore, if you consider that these projects are not in conformity with the provisions of the Decision n° 1692/96 referring to the TEN-T network, a formal complaint including precise arguments should be introduced in order to be examined by the competent Commission services.

As regards the technical specifications, including the exact route of these three projects, as I explained in my previous reply addressed to you on 27 September 2006, these issues fall under the competence of the Member State according to the principle of subsidiarity.

On the issue of possible misuse or waste of the EU Funds you are aware that, in connection to major road projects, the EU rules foresee that Member States have to provide a Cost – Benefit Analysis. Such analysis when submitted by the Czech authorities should contain alternative solutions which should be properly examined and compared in order to avoid the construction of unjustifiable more expensive projects in comparison to other possible alternatives which are proven to be more rational from a socio-economic point of view.

Finally, as regards your comments on the procedure which was followed by the Czech government for the adoption of the OP Transport for the new programming period (2007-2013), I would like to make clear that any indication of a specific project in the OP Transport should only be considered as indicative and should not be interpreted as a commitment of the Commission for its co-financing.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D. Dreyer', written in a cursive style.