

PARLAMENT ČESKÉ REPUBLIKY
SENÁT

Mgr. Martin Mejstřík
Senator

European Commission
Mr. Jacques BARROT
Commissioner for Transport and EU Vice-president
Rue de la Loi 200
B – 1049 Brussels
Belgium

8 February 2007

**Re: Construction of the TEN – T network in the Czech Republic:
Problematic aspects of the bypasses of the cities of Prague and Brno
Problematic usage of technical assistance funds by Ministry of Transport of the CR**

Dear Commissioner,

Thank you for your letter ref. AL/mvo A(06)2746-D(06)2264 dated 13 September 2006 sent in response to my July 2006 letter. I cannot but mention how deeply disappointed I was having received only a “very generic” response from you. I value the European Commission authorities and trust that every reported serious case receives proper attention.

In my July 2006 letter, I informed you of the projects of three TEN-T motorways in the areas of two principal cities, Prague and Brno, where Czech and European laws may not have been observed and for which the EU funds have either been (mis-)used or may be requested (and be wasted) in the near future:

- *“Bypass” of Prague (Motorway R1)*
- *Connection Brno–Vienna (Motorway R52)*
- *“Bypass” of Brno Agglomeration (Motorway R43)*

In contradiction to Decision No. 1692/96/EC (the Corrigendum published on 26 August 2006 in the Official Journal of the European Union CS L233/36 refers), two of the three planned TEN-T motorways (R1, R43) do not bypass urban areas, but rather traverse densely inhabited districts of Prague and Brno. An existing segment of R52 already directly hits southern districts of Brno. All of them, if built as suggested by the Ministry of Transport (MT), would create serious bottlenecks by mixing urban and long-haul traffic and thus damage the TEN-T network in the very heart of Europe.

I informed you that EU technical assistance funds were incorrectly allocated to the land use permitting process for R52 in the first half of 2006 (i.e. the second step of process) despite the fact that the Land-

use Plan (i.e. the first step of the process) valid for this region at that time did not include this motorway alignment. I sent you documents regarding this possible misuse of EU funds. Unfortunately, your response did not address this very concrete and serious issue.

In your letter, you recommended that Ministry of Regional Development in Prague be approached. The complaint on possible misuse of EU technical assistance funds for R52 was directed to the Minister, Mr. Gandalovič. It was expected that the Cohesion Fund Managing Authority (Director Ms. Bučilová) or the Minister would respond. This did not happen. Instead, Mr. Kalivoda, a Director of a Department which has nothing in common with EU funds, sent a letter without any substantial content. It is documented that the investigation by the Ministry for Regional Development led to no result. Thus I believe that the issue is back in DG REGIO court.

I would appreciate if you kindly had all three cases referred to in my July 2006 letter re-investigated and I would appreciate obtaining concrete answers for each of them.

As I am representing public interests in the Senate of the CR, I would like to stress that these are not negligible cases. In all the cases significant public protests have arisen against the projects:

- **The R1 motorway is objected by thousands of citizens and by Mayors of several districts of Prague.** Investigative reporting of the Czech TV repeatedly pointed to possible misdeeds of authorities and also confronted the Deputy Minister of MT on the extremely high amount of CZK 6.4 billion allocated to suspicious land purchases within the R1 corridor inside Prague.
- A petition signed by 35,000 citizens, pleading for a proper planning of the bypass motorway R43 outside the inhabited areas of the second largest town of the CR, Brno, was discussed in the Senate of the CR. The Petition Committee of the Senate investigated the case in June 2006 and recommended a strong resolution to inspect the case. Eventually, the case was referred to the South Moravia and Brno governments, where the discussions are ongoing.
- The case of the Land-use Plan and R52 was investigated in-depth by the Ombudsman of the CR with very critical conclusions towards the actions of Ministries of Transport, Environment and Regional Development, but first and foremost, against the local authorities in South Moravia. The case was submitted to the Ombudsman of the CR jointly by many Czech and Austrian subjects as R52 would, if built, continue into Austria as A5. **The case of the Land-use Plan has been recently submitted to the Supreme Administrative Court of the CR by several Mayors, NGOs, and citizens.** Another court case against the EIA of the project is pending.

In all three cases mentioned, viable alternatives for the TEN-T motorways exist, however, for reasons discussed in my July 2006 letter, the authorities are keen on executing the projects favoured by them. Therefore, there are compelling reasons to review the plans of the MT along with the viable alignment alternatives, taking into account all aspects including economy, transport and impact on inhabitants, land and nature.

Based on information provided to me, the MT was not handling the preparation of the Operational Programme (OP) Transport (2007 – 2013) correctly. The MT did not publish complete documents and the SEA process was problematic. Objections from citizens and NGOs were largely ignored. After the public hearing in Prague on 30 October 2006, many comments were received, but none of them responded to by 15 November 2006 when the OP Transport was approved by the Government. I will leave without comment that the SEA conclusions (very confusing by themselves) were published by the Ministry of Environment in the afternoon on the very same day 15 November 2006...

The OP Transport still includes R43 and R52 despite them having been excluded from the approved motorway network of the CR by the still-valid SEA Statement of 1999, and it also still includes the R1 alignment going through Prague while the EIA preferred the R1 alignment outside of Prague. It is unbelievable that the location of the town of Brno was (despite complaints) kept on the road map in OP Transport shifted to the south of D1 while it is in fact located north of D1. It is hoped that EC

officials know where Brno is located and will not believe that R43, as incorrectly displayed in OP Transport, is a planned by the MT as a bypass of Brno. The opposite is true.

There is a substantial danger that EU funds in the range of **hundreds of millions of Euros** for TEN-T motorways would be **misused** to build urban roads not fulfilling the purpose of the TEN-T network (and at the same time with damaging effects on tens of thousands of inhabitants) and **hundreds of millions** of Euros may be **wasted** to build a clearly duplicate motorway R52 while there is already an existing one (D2) just a few kms away and parallel to it.

The DG TREN organized a spot mission to South Moravia in autumn 2006 and I believe that it may be beneficial for your Directorate to take the findings of this mission into consideration when preparing an answer to this letter.

In my July 2006 letter I informed you that the MT spends funds (incl. EU funds) on routes which have not been approved in the land-use plans. Large problems with the missing land-use plans are documented in a multi-page table in the SEA documentation for OP Transport.

As the negotiations on OP Transport will be ongoing, I request that the European Commission follow the **assurances** you have given to me, i.e. *"that the European Commission takes the question of environmental protection and the consultation of the public on related matters very seriously"*.

I am sure you will agree with me that the three reported cases not only represent important issues for the CR, but also for the EU as such. If Decision No. 1692/96/EC is not properly observed by the EU countries, including the CR, the noble idea of a functioning TEN-T network will not ever get implemented.

If the EU funds were visibly either misused or wasted, then the credibility of the European Commission would be substantially lowered in the eyes of the public.

Dear Commissioner, please consider launching a full scale in-depth investigation into the R1, R43, and R52 projects in OP Transport before the EC agrees to the OP Transport, as well as an investigation into a possible misuse of funds for R52 technical assistance, as triggered by the facts I provided you with both in my letter of July 2006 and in this one.

I would appreciate if you could inform me at your earliest convenience on how the European Commission is and will be handling the three described problem cases.

Should you need any additional information, please do not hesitate to contact me.

Thanking you in advance for your reply

I remain sincerely yours,



Mgr. Martin Mejstřík
Senator
Club of Open Democracy
Parliament of the Czech Republic
Valdštejnské nám. 4
118 01 Praha 1
Czech Republic
tel.: 00420-25707 2786
e-mail: mejstrikm@senat.cz