



Federal Ministry of Transport, Innovation and Technology
Mr. Werner Faymann, Minister
Radetzkystraße 2
A-1030 Vienna
Austria

4. October 2007

Subject: **Connection of the road networks of Lower Austria and South Moravia - A5 Motorway**

Dear Sir,

We are approaching you regarding the A5 motorway project and its connection to the road network in the Czech Republic. We have been dealing with the issue over the last years on many levels, including European and governmental institutions.

In April 2007 the Czech Minister of Transport asked you in letter ref. 93/2007-002-MEZ if there was a possibility (and under what conditions) to choose the border crossing Breclav/Reintal instead of Mikulov/Drasenhofen.

The reasons for the Czech Minister of Transport to draft this letter were obviously as follows:

Firstly, the Czech Minister correctly noticed a significant increase of objections by various citizens groups and municipalities against the alignment with the Drasenhofen/Mikulov border crossing point.

Secondly, the Czech Minister was facing serious and well justified calls for an alternative assessment of the optimized connection between Austria and the Czech Republic (and Poland), in particular with border point at Reintal/Breclav and with a connection to the existing D2 motorway.

*In addition to that, the Czech Minister is now in a situation where other governmental authorities are seriously suggesting considerations of a series of authorized expert studies (completed in 2007) documenting, among other things, that the conception of a South Moravian motorway network based on the Drasenhofen/Mikulov border crossing point would lead to a **waste of more than 1 billion Euros (30 billion Czech crowns)** on the Czech side (studies available on request).*

In your response (dated 27 June 2007) to the Czech Minister of Transport you stated that the realization of the A5 motorway is under full progress. Additionally you mentioned that EIA-permit proceedings for the northern part of the A5 motorway towards the Czech border are almost complete, that Austrian as well as Czech NGOs have participated in respective permit proceedings and that after the final decision (to be concluded very soon) the construction could start. However, you also indicated that the realization plans for the northern part of A5 motorway were only recently postponed for some years.

Furthermore, you stated in your letter that assessments of alternatives had been carried out in the past as well as only recently and that all studies show, that Drasenhofen/Mikulov is the best variant.

To sum up, your response of 27 June 2007 indicated that there is not much chance and, in fact, no sense to discuss another alternative than the one with the Mikulov/Drasenhofen border crossing point.

We would like to take the liberty of providing the following remarks on your letter:

1. We would like to point out that the document “*Argumentarium A5 Nordautobahn*” (January 2005) unfortunately provides arguments related to the territory of the Czech Republic that are incorrect, as documented in the above mentioned Czech experts studies. Further, the joint effort of ASFINAG and the Czech Motorway Directorate on A5/R52 from the beginning of 2000’s does not represent a valid assessment of alternatives with border crossings Reintal/Breclav and Drasenhofen/Mikulov.
2. The fact that Austrian and Czech NGOs participated in the EIA-proceeding does in no way mean that these groups agree to the proceeding and the project. On the contrary, the municipalities, the concerned public and the NGOs claim that the relevant EIA proceedings were subject to serious substantive and procedural deficiencies. We respectfully disagree with your indication that the constructions may start after the EIA-permit has been issued. The reason is that the mentioned subjects do have the right to appeal against the EIA-decision and, in addition, other environmental and project permits are necessary after the EIA-permit will be issued.
3. The Austrian Transport Programme was amended in March 2007. Regarding the two A5 northern segments the Programme (contrary to your letter of June 27) states that the construction of this section depends on activities in the Czech Republic and that respective permit proceedings will have to be adapted and/or restarted. Similar information has recently been published in NÖN (Niederösterreichische Nachrichten) where you were quoted that there is a need to consider the way how the A5 motorway [under construction up to Schrick] will be connected to the Czech Republic. In the issue of Der Standard of 19 September 2007 the A5 segment Schrick – State border (only 2 lanes) (source BMVIT, http://images.derstandard.at/20070919/grafik_asfinag_1909.jpg) was presented as an economically not viable construction.
4. In 2006 Austria asked the *European Commission* for funding of a preparatory study for the Vienna - Mikulov corridor. The Commission denied this request arguing that a (serious) alternative assessment considering environmental aspects including the Breclav corridor would be appropriate (ref. for example the letter from Commissioner and EU Vice-President *J. Barrot* of December 2006 to us, *DG Environment* letter of January

2007 to us). The Commission also clarified that there is a need for coordinated planning of this project in both member states. This has not happened so far.

5. In March 2007 Commissioner and EU Vice-President *J. Barrot* informed us in his letter that the Commission is aware about the environmental concerns we raised on the issue. Mr. Barrot clarified (quoting from the TEN-T brochure of 2005) that *“the alignment of the section from Brno to the Czech-Austrian border is not yet decided, due to its crossing a NATURA 2000 in the Czech Republic.”* In December 2006 Commissioner J. Barrot informed us that funding for economic and environmental assessments for different corridor alternatives is under discussion.
6. In June 2007 we discussed the case in a meeting with DG TREN, DG ENVIRO and DG REGIO officials in Brussels. We were informed that the DGs are negotiating with Austria and the Czech Republic on independent alternative assessments.

Taking into account the context spelled out above, we believe and we are sorry to state that the response you provided in your letter of 27 June 2007 to the Czech Minister of Transport was misleading and that it created more misunderstandings than initiative to resolve this sensitive issue.

We are not ready to believe that Austrian authorities prefer the Drasenhofen/Mikulov corridor without considering serious alternatives and without full coordination with the Czech Republic.

From a legal and practical point of view there are no insurmountable obstacles to change the Austrian Road Act and list another corridor(s). It is also possible, as it is expressly stated in the reviewed Austrian Transport Programme of March 2007, to adapt or re-initiate the Austrian EIA-permit proceedings regarding the A5 [to be built until Schrick] connection to the road network of the Czech Republic.

Among others, DG Transport, DG Environment, the Czech Republic municipalities, NGOs and the public concerned both in Austria and in the Czech Republic consider that an independent alternative assessment is an inevitable pre-condition for further steps in this project. We believe that the expert studies mentioned above can facilitate the process.

These studies have proven that

- a) *savings of over 1 billion Euro can be achieved if an alternative conception of the motorway network in South Moravia based on Brno-Vienna connection via Breclav is pursued,*
- b) *a highway bypass of Breclav with connection to Austria is **feasible** (study commissioned by the Czech Ministry of Transport),*
- c) *from an environmental point of view (NATURA 2000!) the Breclav corridor is **superior** compared to the Mikulov corridor*

We also add that the potential extension of **R52 highway to Mikulov** (state border) was evaluated in a mandatory economical assessment using World Bank methodology (commissioned

by the Czech Motorway Directorate) with the result that this segment is **economically non-viable**.

We also would like to remind you of a fact widely published by media: The Memorandum on R52/A5, signed in Prague in November 2005, was scrutinized, the then Czech Prime Minister wrote in a letter ref. 07701/06-KPV dated 13 June 2006 that he concurs with the Mayors of several South Moravian municipalities that then transport **minister Simonovsky, by signing this Memorandum, overstepped his mandate. By his signing of this Memorandum no internationally binding obligations arose for the Czech Republic.** The letter ref. 07701/06-KPV dated 13 June 2006 was also sent personally to minister Simonovsky. It seems to be a serious problem that this Memorandum is referred to in the letter ref. 93/2007-002-MEZ of minister Rebicek.

We would like to add that the letter of the Prime Minister is also making reference to the Land Use Planning Process. We are sorry to point out that the Land Use Plan of Breclav region from November 2006 is awaiting decision at the Constitutional Court of the Czech Republic and that the official legal analysis by the Czech ombudsman is very critical. Further, for your information, a new Building Code, effective since 1 January 2007, requests that a new Land Use Plan for South Moravian Region is developed and adopted. We would like to emphasize that the process for this Land Use Plan started and that some of the authorities included in their requests that the Breclav corridor should be considered. In our opinion it is only a matter of time until the studies of 2007 mentioned above will be fully considered and thus be reflected in the binding Land Use Plan.

There are several important aspects which need to be considered for wise planning:

- On 19 September 2007 the Czech Government approved a new version of the Transport Programme. This indicates that any building activity on the road I/52 to Mikulov will **not be funded until 2013 and even if started in 2013, the building would not be finished by 2015.** This document also indicates that **no EU funding** or any approved loan is expected for this road.
- On the contrary there are plans to build another highway R55 from Breclav to Prerov (and further to Katowice area in Poland). This is the most direct route, by some 30 km shorter compared to any other connection (See attached maps). This indicates that once this road is completed all long distance traffic from Poland (Katowice area) to Austria (see attached map with traffic intensities) will undoubtedly use this high quality road to Breclav and then pass to Austria. Unless this is taken into account this could mean that this long distance traffic will overload Breclav – Schrick and that the A5 segment Poysbrunn – Drasenhofen/Mikulov will be literally empty. **Thus at least a part of the 250 mil. Euro envisaged for the northern segment of A5 would be completely wasted.**
- The distance differences for Brno – Breclav – Vienna and Brno – Mikulov – Breclav are negligible.

We believe that a good rail and road connection between the Lower Austria and Czech Republic is a necessity. Still we urge you to wisely consider the next steps so that the already existing confusion is not escalated more. Please take into consideration that the optimum solution for long distance traffic from Austria via the Czech Republic to Katowice in Poland and beyond has already been found.

We ask you to approach the Czech Minister of Transport to start discussions for a common study of alternatives as suggested by DG Environment and Vice-President *J. Barrot* of the European Commission only recently on this matter.

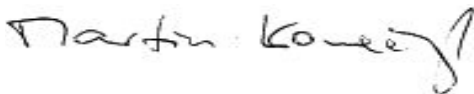
We would like to thank you in advance for your consideration of the issues raised in this letter.

Please inform us of the steps you are going to take to resolve this sensitive issue.


Yours sincerely,



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Attachments: 1 – as per text

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Attachment 1: Intensities of transboundary traffic – passenger cars and light trucks
(from book “Optimization of building highways” published
with foreword of A. Řebíček, Minister of Transport in 2007)

