



TO:

Mr. Jack Engwegen, Head of unit, DG Regional Policy, European Commission
Mr. Christos Gogos, Deputy Head of Unit, DG Regional Policy, European Commission
Mr. Martin Bouška, Administrator, DG Regional Policy, European Commission

CC:

Ms. Yvette IZABEL, Policy Officer Fonds structurels, DG Env, European Commission

Brussels, 14th November 2008

SUBJECT: Follow up on our meeting on the 13th of October

Dear Mr. Engwegen, Mr. Gogos and Mr. Bouška,

We would like to once again thank you for the opportunity to meet and discuss the two controversial transport projects in Czech Republic – Prague ring road (R1) and Katowice-Vienna TEN-T connection in South Moravia (R52 / R55 motorways). As agreed at the meeting, we are writing this follow up letter providing details and clarification on the concerns and questions raised. The letter is also accompanied by Annexes which provide copies of the documents requested by you.

Furthermore, we would like to bring your attention to the current development in relation to the proposed ring road of Prague. After the recent regional elections there will be new regional government of Central Bohemia whose future chairperson proclaimed that one of the goals of the newly established government will be to push for the Ss (north) variant, aiming to start the construction works as soon as possible. The regional government is not officially formed yet, however, their interest in the Ss variant was very clearly stated.

We will be glad to provide additional information in case you have any further inquiries and we can assure you that the CEE Bankwatch Network and FoE Czech Republic will continue to monitor the development of these two projects. Therefore, we hope that we can carry on the constructive dialogue with the European Commission in the future.

Sincerely yours,

Martin Kryl
Project coordinator

Keti Medarova-Bergstrom
EU Funds coordinator

Prague Ring Road (R1)

1) Safety and the Nuclear facility in Řež

There have been several statements of the State Office for Nuclear Safety (SÚJB) over the period of the past 6 years concerning the proposed Ss variant of the Prague motorway ring road. Although some of the statements are coming directly from the Řež Nuclear Research Facility (ÚJV) they do not contradict any statements of the SÚJB and are in fact based on their judgements. In reality, ÚJV is the body that approached SÚJB for a safety risk assessment and therefore is the one to receive official decisions and to communicate them further. The correspondence is enclosed in Annexes 1.1. to 1.8.

In summary, we would like to stress the following findings:

- The legislation on nuclear safety stipulates two types of safety criteria for nuclear facilities. There are *restrictive safety criteria* that, if not fulfilled, would mean the seizure of any proposed project. Secondly, there is a set of *conditional criteria* and in case these are not met, it is obligatory to further assess and prove that the proposed project will not pose any safety risks to the nuclear facility. In the case of the Ss variant of the Prague ring road, the restrictive criteria will be met if the construction works does not affect the safety zone of the facility and the conditional criteria will also be met if the construction works are undertaken 3 km away from the borders of the safety zone.
- The proposed Ss route was adjusted in the Mott McDonald study so that it avoids the safety zone of the nuclear facility (it intersects only in a small part above the Vltava river) and as stated repeatedly by the SÚJB, the **proposed route does not pose any safety risks to the nuclear facility in Řež** (see Annexes 1.5 and 1.8). A previous statement of the SÚJB provided for the EIA procedure in 2002 states that the finding **can not be interpreted in a way that would forbid the Ss variant preparation to proceed further**. It only reminds that an assessment of safety risks is required in order to meet the conditional criteria (see Annex 1.2).
- Furthermore, there was a suggestion for a possible change of the safety zone borders around the facility. At present, the zone more or less coincides with the fence of the facility (see Annex 1.3) because it was in fact not drawn on the basis of the safety requirements (therefore, in some sections it reaches considerably further than what is required). The change, however, would have to undergo further scrutiny from the SÚJB but this process has not been initiated to date.
- The correspondence between the Ministry of Transport (MoT) and the SÚJB we have been able to trace was a request of clarification sent by the Minister of transport Mr. Řebíček, asking whether it is possible to construct the Ss variant **within the safety zone of the nuclear facility**. The letter was addressed to the chairperson of SÚJB Ms. Drábová (Annex 1.6). Ms. Drábová answered that an overlap of the safety zone of the nuclear facility and one of the proposed ring road routes is not possible BUT that the routing proposed by Mott MacDonald does allow the project to proceed for further assessment. Thus, the proposed route does meet the restrictive safety criteria at present.

Please, see enclosed the relevant correspondence provided in:

Annex 1.1 – 2. 4. 2002 – Statement of SÚJB addressed to the MoE (EIA procedure)

Annex 1.2 – 29. 9. 2005 – Letter of the SÚJB to the mayor of Suchdol

Annex 1.3 – 23. 3. 2006 – Letter of the SÚJB to the Regional government of Central Bohemia

Annex 1.4 – 7. 8. 2007 – Letter of the ÚJV to the SÚJB

Annex 1.5 – 20. 8. 2007 – Statement of the SÚJB addressed to the ÚJV

Annex 1.6 – 22. 5. 2008 – Letter of the Minister of Transport to chairperson of the SÚJB

Annex 1.7 – 3. 6. 2008 – Letter of the chairperson of the SÚJB to the Minister of Transport

Annex 1.8 – 21. 8. 2008 – Letter of the SÚJB to the NGO focusing on the Prague ring-road

2) Mixture of local and transit transportation on the ring road

Based on our discussion regarding the predicted traffic flows through both routings, we would like to bring your attention to the available data on the expected transport intensity which can be found in a study carried out by CityPlan¹. The study distinguishes between three types of traffic:

- **internal (Int.)**, which has both source and destination within Prague;
- **external (Ext.)**, which has either source or destination within Prague;
- **transit (Trans.)**, which has both source and destination outside of Prague.

Table 1 presents traffic data of expected averages from road sections as stated in the study for the year 2040. As it can be observed the J variant attracts 3,5 times more local traffic, **while the Ss variant provides better service for transit.**

Variant	Cars/24 hours			percentage		
	int.	ext.	trans.	int.	ext.	trans.
J	11 870	50 527	20 105	14 %	61 %	25 %
Ss	3 037	52 802	25 192	4%	65 %	31 %

Table 1. Predicted transport intensities by 2040. Source: CityPlan, 2007, page 42.

For more details in regards to the traffic forecasts in relation to the J and Ss variants, please consult the following attachment to this letter:

Annex 2.1 – December 2007 – Comparative study of J and Ss variants done by CityPlan spol. s. r. o.

3) Change of the Prague land use plan and recent court ruling

In a press release from the 1st of September 2008 attached (Annex 3.1) the MoE confirms that it fully supports the Ss variant that has already undergone an EIA procedure and that **the J variant was to be considered only as a backup solution if the Ss route would be unacceptable for the reasons of nuclear safety.** The press release concludes that there **is no reason not to proceed further** with the Ss variant due to **nuclear safety concerns, which are dealt with in accordance with the existing legislation.** The position of the MoE is not available publicly (it is claimed to be an internal document). In case the EC would be interested in obtaining it, it can request it from the MoE directly.

On the 30. 10. 2008, the Supreme Administrative Court of the Czech Republic has ruled out the change of a Land use plan of Prague that included the J variant of Ring road. The court decision was taken on the basis of the fact that procedural requirements were not fulfilled. As a result, no application for a zoning decision about these projects can legally be submitted until the changes in the Land use plan are processed according

¹ One of the comparative studies that were carried out after the Mott McDonald study. The study has been challenged for favouring the J variant.

to the legal requirements. The court ruling has not been officially published yet - we will forward it to you as soon as it gets published.

For more details on the Land use plan please see:

Annex 3.1 – 1. 9. 2008 – A press release of the MoE concerning the Ss variant of Prague ring road

Katowice – Vienna TEN-T connection in south Moravia

4) Comparative study of the R52 and R55 motorways

A comparative study carried out by the company DHV CR s.r.o. compares the 2 variants of the motorway connection between Brno and Vienna (literally of Brno and 2 potential border crossing points between the Czech Republic and Austria) which is part of the Katowice-Vienna connection in south Moravia (see a summary of the study in a Annex 4.1). We have identified numerous weaknesses of the study that affect its results. Our major objections are listed below:

- The study takes into consideration the connection between Brno and Vienna. Brno, however, is aside from the TEN-T priority corridor Katowice – Vienna, which means that the Trans-European transit aspects are not considered adequately in the study. If the TEN-T corridor shall be directed towards Brno, not only the long distance transit will pass through the agglomeration of Brno, but also the route between Katowice and Vienna will become some 35 km longer and consequently – less efficient. Wider implications of the routing are omitted in the study. One reason for this might be that the terms of reference of the study clearly favour the R52 variant.
- One of the major weaknesses that are being repeated continuously throughout the study is that the ring road around Břeclav (that would have to be build anyway, even if no motorway connection to Austria would be built as a continuation of R55) is excluded from the calculations of the total costs of the R52 variant. In reality, **either the continuation of R55 (some 5 km from Břeclav to Austrian border) or R52 via Mikulov together with Břeclav ring road would have to be build**. Even though the ring road would probably have only two lanes, it would affect most of the areas of concern in the study, including financial cost, impact on forests, soil degradation and the impact on landscape. With the failure to include the ring road into the R52 variant, the continuation of the R55 is “artificially” disadvantaged in the study.
- Even though the project clearly connects Czech Republic and Austria (and affects Poland as it is mentioned above), the study does not explore any impacts of either of the variants outside of Czech Republic. We believe that the final decision on routing should be taken on the basis of **assessment in both countries** and that these assessments should be coordinated and consistent with each other.
- There is no evidence in the study for claims that the construction of R52 would start in the year 2010 and the construction of R55 only as late as 2020. In our opinion, the date of the construction for R52 is unrealistic due to unresolved problems (pending court appeals against the Land use plan and technicalities regarding project design). In the same time, the study does not mention what would cause an 11 years long delay in the construction of the R55 variant if this one is chosen. We suspect that such unjustified difference might have a significant effect on the decisions of local politicians.
- We would like to bring to your attention a statement from the study that **none of the variants is economically viable** (see the annex 4.1, page 7).

There are several other controversies in the study of more technical nature. For instance, a part of the R55 that is north of the D2 highway and is therefore going to be constructed anyway, no matter whether R55 or R52 is chosen for the Brno – Vienna connection, is included in the noise impact assessment of the R55 route. This way the route is again disadvantaged

You can read more about the findings of the comparative study in the enclosed:

Annex 4.1 – Summary of the comparative study

5) A Proposed budget of the State Fund for Transport Infrastructure

As mentioned during our meeting, we find very alarming that the State Fund for Transport Infrastructure (SFDI) is planning not to apply for EU funds from the OP Transport for the R1 and R52/R55 projects, despite they belong to the TEN-T priority corridors and shall therefore be projected in line with the TEN-T guidelines. Please see highlighted figures of the proposed budget in the Annex 5.1. There are no plans to apply for any funds for the R52 project until 2011, while on the other hand the situation is slightly different with the Prague ring road. There is a planned application for one less controversial part of the ring road even in 2009 and for some parts of the J variant, funding from the OP Transport is planned for future. We are concerned that if some less controversial parts are going to be built first, there will be more pressure to choose the J variant because of funds already spent.

Annex 5.1 – Highlighted figures in the proposed budget of the State fund for transport infrastructure SFDI

Annex 5.2 – Complete proposed budget of the SFDI

6) Further Annexes:

Annex 6.1 – Governmental decision to proceed with building both R52 and R55