

# D1 motorway, Slovakia



CEE Bankwatch Network's mission is to prevent the environmentally and socially harmful impacts of international development finance, and to promote alternative solutions and public participation

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## Background

One of the key priorities of the Slovak government is the construction of a motorway network in the Slovak Republic. The construction is expected to be financed through the public-private-partnership (PPP) mechanism and the role of the European Bank for Reconstruction and Development (EBRD) and European Investment Bank is deemed to be crucial for the successful implementation of the project.



One of the first motorways the government is trying to finish is the D1 motorway link between Bratislava and Košice. The government has repeatedly declared its intention to finish the project by 2010, which has markedly influenced the quality of the preparation works. An egregious example is presented by the "D1 Turany – Hubová", which is part of the "Slovak Motorways PPP D1 Phase I" project. It has been submitted for financing to both the EIB and the EBRD.

In December 2008 the EIB approved the Slovak Motorway (PPP) D1 project. The EIB finance will be

up to 50 percent of senior debt. The EBRD is considering supporting the project. Last month Francois Lecavalier, EBRD director for the Slovak Republic, the Czech Republic, Hungary and Slovenia, commented in the media that: "The EBRD supports the PPP projects in Slovakia, as they are being carried out mostly on time, in a better quality and the budget is being maintained."

## Problem issues along the route

The environmental impact assessment (EIA) of several variants of the D1 Turany – Hubová section was performed between 1995 and 2002. The final environmental impact statement on the construction of the D1 Martin – Ľubochňa motorway (including the Turany – Hubová section) was issued in November 2002. In February 2006 a new EIA Act (Act No. 24/2006) came into force. According to this Act it is necessary to ask the Ministry of Environment to prolong the validity of any final statement issued before February 1, 2006. Based on a declaration of the promoter that there were neither substantial changes in the proposed activity or conditions, the ministry prolonged the validity of the final statement in 2006.

At the time of the prolongation, the Slovak Republic had already become an EU member state. In accordance with the Treaty of Accession, sites were identified on its territory that the Slovak Republic proposed to include into the

NATURA 2000 Networking Programme in conformity with both the Council Directive on the conservation of natural habitats and of wild fauna and flora and the Council Directive on the conservation of wild birds.

Some of the sites that the Slovak Republic proposed to include in the NATURA 2000 Networking Programme are located on the route of the aforementioned motorway.

At the time of the assessment itself these sites were not identified and thus the implications of the motorway for them could not have been assessed. However, by the time that the final statement was prolonged the sites had already been known for two years.

Thus the declaration from the promoter that there were no substantial changes in the conditions of the location regarding changes in necessary protection is not true.

## Disregarding the EIA recommendations

The final Environmental Impact Statement on the construction of the D1 Martin – Ľubochňa Motorway issued in 2002 recommended variant B1 (the variant that involves the Korbeľka tunnel). However, currently the promoter is advancing with a routing through the River Vah valley with one shorter tunnel, excluding the Korbeľka tunnel, and thus ignoring the recommendations of the EIA. Moreover, parts of this surface route of motorway have not been assessed at all for their environmental impact according to the relevant act on EIA. There is also interference with the NATURA 2000 network.

## Lack of environmental assessment regarding impacts on NATURA 2000

In view of the fact that the Korbeľka tunnel (almost 5.7 kilometres long) variant would bypass almost all the important natural habitats in the mentioned territory, there is the assumption that out of all the proposed variants it would have the lowest impact on the proposed NATURA 2000 sites.

However, the currently advanced route of the D1 motorway in the Turany – Hubová section was not subject to appropriate assessment of its implications for NATURA 2000 in view of the sites' conservation objectives according to the new EIA act. The current route does not meet the conditions for approval under article 6.4 of the Council Directive on the conservation of natural habitats and of wild fauna and flora since its performance will have a negative impact on the sites concerned. Approval could be given only if there is no other alternative, which is not the case as a real alternative exists.

## Summary of breaches of European legislation

The construction of the D1 Motorway Turany – Hubová:

- contravenes a route recommended in the final statement issued by the Ministry of Environment of the Slovak Republic under No. 1832/02-4.3 of 12 November 2002,
- is taking place on a route that was not assessed according to the new EIA Act which is contrary to the EIA Directive and Council Directive No. 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora,
- is taking place on a route which has a real alternative in the variant recommended in the final statement issued by MoE SR No. 1832/02-4.3 of 12 November 2002

- is taking place on a route that does not represent the least impact for the sites of the NATURA 2000 network.

## Conclusions

1. The D1 Turany – Hubová Motorway construction represents a serious impact on the NATURA 2000 network, and there are alternative solutions that could considerably reduce this impact.
2. When permitting the construction of the D1 Turany – Hubová Motorway, the final statement issued by the Slovak Ministry of Environment of 12 November 2002 was not taken into consideration thus contravening Council Directive 85/337/EEC of 27 June 1985 and Act No. 26/2004 on the assessment of effects on the environment.
3. The validity of the final statement issued by the Ministry of Environment on 12 November 2002 was prolonged – this contradicted the new EIA Act as at the time when the decision on prolonging was issued there were significant changes in the proposed activity (new motorway route) as well as in the conditions of the area concerned (changed conditions for the protection of nature).

## Remaining questions

- What is the EBRD doing to ensure that the route of the D1 project is in compliance with the national legislation and with the Community Law of the European Community?
- What steps will the EBRD take to prevent from execution such steps that would preset the route D1 Turany – Hubová Motorway, and thus make unfeasible any future changes to ameliorate the negative implications for the environment?
- What environmental conditions has the EBRD set out in the negotiations with the Slovak Republic on the D1 project so far?
- Has the long-term budget burden and affordability of the Slovak Motorways PPP D1 Phase I project for the Slovak Republic been assessed?

### For more information

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