

European Commission
Rue de la Loi 200
B-1049 Brussels, Belgium

Bratislava, 23.03.2010

Dear Mr. Potočník,

The Slovak Republic is currently undertaking the construction of D1 motorway link between Bratislava and Košice. The current government has repeatedly declared its intention to finish the link between Bratislava and Košice by 2010. This has markedly influenced the quality of the preparation works for some sections, particularly for the "D1 motorway, section Turany - Hubová". This section is a part of the project "Slovak Motorways (PPP) D1 Phase I", which has been submitted to the European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD) with the request for financing.

We maintain that the breaches of the national and European legislative have occurred when a less damaging routing variant of that motorway section that had been recommended by the project's environmental impact assessment was overlooked in favour of an alternative routing that crosses two national parks Malá and Veľká Fatra Mts, three protected areas of the Natura 2000 network, interferes with 18 habitats of Community importance, with habitats of more than 70 species of Community importance and divides the village of Šútovo into two parts.

The following three problems shall be drawn to the attention:

- 1) unjustified prolongation of the validity of the final EIA statement
- 2) disregarding the recommendations resulting from the EIA statement and choosing another route with an apparently greater negative impacts
- 3) lack of appropriate assessment regarding the impacts on Natura 2000 sites

Friends of the Earth-CEPA and SOS/Birdlife Slovakia have previously informed about this matter the European Commission, European Investment Bank and European Bank for Reconstruction and Development.

The nature experts (Topercer et al) have conducted the expertise paper which is focusing on the analysis of *“The assessment of the significance of any impact of the proposed D1 Turany – Hubová on the Natura 2000 sites” (Hodnotenie významnosti vplyvov navrhovanej diaľnice D1 Turany - Hubová na územia sústavy NATURA 2000)* prepared by the company Creative, s.r.o. in November 2007 (the study of Peťková & Mika 2007“) and submitted to Ministry of Environment of the Slovak Republic.

Findings of the nature protection expert team show that the study of Peťková & Mika 2007 is rather vague and is not based on the complete, methodically and clearly specified source of information and thus, it should not be considered as an appropriate assessment under the article 6(3) of the Habitat directive 92/43/EEC or as any supporting document mandatory for the approval procedure.

Moreover, the results of the assessment carried out by the expert team clearly indicate that the chosen variant of D1 would have negative impact on protected areas of Natura 2000. This variant would also represent the potential risk for damage of the characteristic biotopes in the area of Šútovo - Rojkov (national parks Malá Fatra, Veľká Fatra and river Váh). The biotopes 7230 Slatiny, 7140 transitory mosses and tracing areas 3160, the nature dystrophic slack 91D0*, moss – birch forests and 9180* linden-maple forests (with spring areas) and several migration and over-wintering water birds, bats, amphibian and other species of bigger animals are at the major risk. The mitigation and compensation measures within the study of Peťková & Mika 2007 have been immensely neglected.

Analysis of relevant Slovak authorities' decisions show that there have been no compensation measures for the project and the mitigation measures were only partly determined. We stress that the preparatory works which have already started have been causing damages which will be difficult to mitigate.

When taking into consideration the mentioned existence of the alternative variant, an appropriate and comprehensive assessment of the alternatives shall be performed and completed by the corresponding authorities of the Slovak Republic before the project is approved.

Please see the full detailed study of "*The assessment of the significance of the impacts of the proposed D1 Turany-Hubová on the species, biotopes, Natura 2000 sites and land*" conducted by the expert team in attachment accompanied by the copy of the letter, which we sent to the European Commission on 4th May 2009. This letter offers the detailed description of the legislation breach on the national and European level.

The effective and immediate steps need to be undertaken in order to stop this detrimental project. Should you need any supplementary documents, please contact me.

Sincerely,

Lucia Lackovičová

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