

Mr Vassili Lelakis,
DG ECFIN/EU Executive Director at the EBRD
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Bratislava, 23rd August 2010

Dear Mr Lelakis,

We are writing to you regarding the EU's position at the meeting of EBRD's Board of Directors on 27th April 2010, at which the D1 Motorway Phase One project in Slovakia was approved. The project has serious shortcomings and as you may know the European Commission (DG Environment) is still screening the project for its compliance with the environmental *acquis communautaire* and has not yet given its clearance to proceed.

Friends of the Earth-CEPA, together with BirdLife Slovensko, have filed complaints¹ with the EBRD's Project Complaint Mechanism (PCM), the EIB Complaint Office and the European Commission regarding the Natura 2000 assessment carried out for the project. We believe it was insufficient and has led to inadequate mitigation measures being proposed. In addition, no convincing explanation has ever been given as to why the Slovak authorities chose to implement a variant of the route on the Turany-Hubova section that is different to the one proposed by the Environmental Impact Assessment procedure.

From the EBRD's initial response to the complaint filed at the PCM we have learned that the EC's Executive Director voted positively regarding the project at the Board of Directors' meeting on 27th April.

We consider approval of the project as contrary to the EBRD's responsibilities to abide by the European Principles for the Environment, which oblige the signatory institutions to follow

¹ The EBRD complaint was filed on 07 June 2010, the EIB complaint on 19 October 2009 and the EC complaint on 04 May 2009

*“the EU approach, which is defined in the EC Treaty and the relevant secondary legislation”.*²

We are also concerned about the lack of consistent approach by the European Commission with regard to this case, as the vote of the EC Executive Director did not take into account the lack of clearance on the project from another Directorate General of the EC.

We would like to ask you, therefore, to explain the EC’s approach in this case and to outline whether the EC has put forward any conditions or recommendations to the EBRD regarding its involvement in this project.

We thank you for your time and look forward to hearing from you.

Yours sincerely,

Lucia Lackovicova

National Coordinator for CEE Bankwatch Network

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² <http://www.eib.europa.eu/infocentre/epe/index.htm>