

Philippe Maystadt, President
European Investment Bank
100 boulevard Konrad Adenauer
L-2950 Luxembourg

Brno, June 8th, 2006

Dear President Maystadt,

We would like to take the opportunity to address you concerning the D1 motorway construction project in the Czech Republic, which the EIB Board of Directors will presumably discuss in the near future. According to the information we have available, the project will also include investments (preparatory works) for the planned R43 and R52 high-speed roads.

Environmental Law Service is an NGO public interest law organization (more information can be found on our website www.eps.cz). We provide free legal aid to local communities (municipalities, NGOs) and landowners affected by all above mentioned projects (D1 widening, R43, R52). Therefore, we would like to inform you of the main controversial aspects of these projects, specifically of probable conflicts with EC law in legal procedures relating to these projects.

The Czech government intends to widen the D1 motorway in a 30km long section south of Brno, the second largest city in the Czech Republic. Currently, the transport in this area already exceeds legal limits for noise and air pollutants (micro-particles), i.e. the situation is both unhealthy and illegal. The burden is worst surrounding the Troubsko village (at the south-west edge of Brno). Here, and according to the available plans, the D1 motorway should be crossed by new R43 and R52 high-speed roads, thus further increasing the burden caused by traffic.

Neither the current unhealthy and illegal situation, nor the future cumulative (synergy) effect of all the three projects were taken into account during the EIA procedure for the D1 widening. This is in contradiction with both Czech law and Article 3 of the 85/337/EEC (EIA) directive. The administrative court refused to deal with a lawsuit filed by local NGOs and citizens against the EIA final statement; this is contrary to Article 10a of EIA directive, as amended by 2003/35/EC directive. The complaint was subsequently filed, which the Supreme Administrative Court will handle soon.

Even more controversial are the R43 and R52 high-speed roads projects.

The R43 high-speed road would, if the government's supported variant is approved, pass through the center of the Bystřec residential area. This is a part of the city of Brno and has approximately 30 000 inhabitants. The R43 should be part of TEN-T network. The proposed route would breach the 1692/96/EC decision on community guidelines for the development of this network (namely article 9). There have been massive citizen protests against this project for 12 years. A petition against the proposed route, signed by

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approximately 35 000 citizens, has been submitted to the Senate of the Czech Parliament this year in May. The EIA procedure, which began in 2001, has yet to be completed.

The R 52 high-speed road would bisect an unique landscape area of Pálava hills and affect several NATURA 2000 locations. The indirect effects of building this high-speed road would be increasing the amount of heavy traffic into the Lednice and Valtice area, a protected UNESCO zone. The need for the high-speed road is being justified as the need for a Brno -Vienna high-speed road connection. However, the existing D2 (Brno-Bratislava) motorway, located just a few kilometers eastwards from the planned R 52 corridor, together with the planned bypass road of Breclav city, could be used for this purpose. This variant was not assessed in the EIA procedure for the R 52 high-speed road, contrary to article 4 of the “Bird directive” 79/409/EEC and article 6 of “Habitat directive” 92/43/EEC.

Both the EIA procedure for the R 52 high-speed road and the SEA procedure for the regional land use plan had other legal irregularities. In particular the EIA directive (article 7) and SEA directive 2001/42/EC (article 7), which require trans-border assessment of projects and plans likely to have a significant effect on the environment in another EU member state (Austria in this case) were not respected. Also in the R 52 case, the administrative court refused to deal with a lawsuit filed by local NGOs and citizens against the EIA final statement, contrary to Article 10a of the EIA directive, as amended by 2003/35/EC directive. The complaint was subsequently filed with the Supreme Administrative Court, which will now deal with the suit.

Opponents of all the above mentioned projects will undertake further legal steps if the government does not reconsider the currently supported variants.

To summarize, it is our opinion that all of the above mentioned projects are in breach of EU law and would worsen the citizens' health and natural values in the affected area.

We note that the EIB specifically says on its website that:

“The Bank seeks to ensure that all its projects:

- *Promote EU environmental policy.*
- *Comply with EU environmental law in the EU, Acceding and Candidate Countries.*
- *Fulfill the requirements of the EU Directive on Environmental Impact Assessment, where applicable.*

and furthermore, that the EIB is a signatory to European Principles for the Environment (EPE), which is defined as

- *the guiding environmental principles in the EC Treaty; and*
- *the practices and standards incorporated in EU secondary environmental legislation.*

We would like to request that you take the above mentioned points into account when considering any financial support for the D1 project and postpone the decision until the above mentioned legal disputes are settled. We are convinced that supporting these projects in their current form would breach the above mentioned European Environmental Principles that EIB has recently signed on to.

Further, we would like to request that the R43 and R52 projects not be included in any credit approved by the EIB until alternatives that have been proposed by the affected public have been seriously assessed.

Finally, we would welcome if you could explain why information about the D1 motorway project is not available on the EIB website. According to EIB information disclosure policy information about all public projects should be put on the bank's web site prior to Board decision.

We thank you for your attention and we would welcome a proactive approach by the EIB. Should you require further information, we will be happy to supply it.

Yours sincerely,

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Also on behalf the following non-governmental organizations:

Ateliér pro životní prostředí, Praha - Pavel Černošous

Děti Země Ostrava, Ostrava - Miroslav Hušťák

Hnutí DUHA (Friends of the Earth Czech republic, CEE Bankwatch member,) Brno - Pavel Příbyl

Metropolitní region - sdružení ochránců přírody, Klecany - Jaromír Bratka

Mikulovsko bez dálnice, Mikulov - Aleš Řezáč

Občané Brna proti stavbě rychlostní komunikace R43 v trase Kuřim-Troubsko, Brno - Jana Pálková

Občané za kvalitu bydlení v Brně-Kníničkách, Rozdrojovicích a Jinačovicích, Brno - Petr Firbas

Občané za ochranu kvality bydlení a životního prostředí v Troubsku, Troubsko - Štefan Friča

Občané za ochranu kvality bydlení v Brně-Bosonohách, Brno - Marie Špačková

Občané za správné řešení komunikace R43, Brno - Lenka Kučírková

Ochrana vod, Ostrava - Vladimír Burda

Ochránci přírody a krajiny v okolí Brněnské přehrady, Brno - Vladislav Singule

OS Brno - Kníničky za plnohodnotný severojižní obchvat Brna, Brno - Miloš Konečný

Přátele přírody ČR, Praha - Miroslav Prokeš

Přátelé přírody, o.p.s., Ústí nad Labem - Marian Páleník

Svaz ochrany přírody a krajiny ČR, Louňovice - Petr Skála

WISE Brno, Dolní Loučky - Jan Beránek

Zelený kruh (Green Circle) Praha - Zuzana Drhová

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