

R52 – latest development – background paper – European Commission

There are two important issues that should be of interest to the respective EU bodies:

1. The Czech Government has recently attempted to pass a decree in which the route of R52 via Mikulov border point should have been fixed and which authorized the Government to initiate dealings with Austria over an international treaty with correspondent wording (eg. The Czech Republic and Austria agree on the R52 route via Mikulov). It is clear that such an international treaty would be in breach of respective European and national legislation, as it would predetermine the results of administrative proceedings that are yet to be commenced and that should determine (with respect to all requirements of EU and national legislation) which variant of the high capacity connection Brno – Wien is to be preferred. Moreover, the project R52 still lacks comparative study that would assess economic and ecologic alternatives according to the Czech and EU laws (see point 2).
2. Despite the R52 has been granted a positive EIA statement, the alternatives assessment of the Brno-Vienna connection has never been undertaken, which is in clear contradiction to requirements of relevant EU directions. The Ministry of Transport (MoT) is aware of this situation as they have commissioned (in March 2008) two comparative studies (one should cover economic evaluation, the other ecologic and other aspects of the two existent variants of Brno – Vienna connection) This is happening completely out of the EIA or SEA procedure which (inter alia) means that the public cannot participate in the process (although the public should have had this possibility already in the SEA or EIA procedures – this however, never happened). There are several problems regarding these studies – the assignment is set in such a way that one alternative (the R52 variant) is in advantage at the very outset, the contractors have to stem from limited background studies (other existent independent studies known to MoT were excluded), etc. The public concerned has no legal tools to influence these studies which, once produced, will be used as argument by MoT (resp. Road and Motorway Directorate of the Czech Republic) proving that the alternative assessment has been undertaken.

„Supported by a grant from Iceland, Liechtenstein and Norway through the EEA Financial Mechanism and the Norwegian Financial Mechanism intermediated by the Civil Society Development Foundation (NROS).“

