

Citizen Association
„Nad Drahaňským údolím“
Mailing Address: Zaječická 836, 184 00 Prague 8, Czech Republic

Identification number in the EC register of interest representative: 45732411597-84

European Commission
Antonio Tajani
Vicepresident of the European Commission and Commissioner for Transport
Rue de la Loi 200
B – 1049 Brussels
Belgium

30 April 2009

Subject: Public consultations - Green Paper "TEN-T : A policy review – Towards a better integrated trans-European transport network at the service of the common transport policy"

Dear Sir,

our citizen association has been involved for several years in a very intensive way in the highly controverse issue of the north-western segment of the Prague Ring Road (R1) which forms an integral part of the TEN-T.

Therefore we appreciate very much the possibility to participate in our modest way in the public consultations on this trans-European network. In the text below we first would like to present briefly the issue mentioned and comment on some general matters related to the Commission mandate and TEN-T implementation as we have been facing them in our activities.

The Prague Ring Road is a core of a critical star like road topology in the Central Europe.



In its north-western segment there are 2 variants, the so called southern variant „J“ and the northern variant „Ss“ which have been submitted to a lot of evaluations, discussions and disputes. In the final statement of **the EIA process in April 2002 the variant „Ss“ was recommended** as the more appropriate one. The „J variant was labeled as an extreme solution acceptable only if for some reason not known at that time recommended variant „Ss“ could not be implemented.

The „J“ variant **cuts through densely populated residential areas of the capital city** and some protected natural sanctuaries as well. It is technically very complicated (three tunnels and three bridges, partly in two-level arrangement), thus dangerous from the operational point of view (**collision and mixing-up of the transit and local traffic** in a covered segment aprox. 3 km long), and **by aprox. 12 billion CZK more expensive!** It is **in a clear breach with European Standards** – the Decision 1692/96 EC on the development of the trans European network TEN-T and requirements on the minimum safety in tunnels on the motorways network TEN-T.

The „Ss“ variant is a **real by-pass of Prague** avoiding at the same time neighbouring towns and villages. It **separates the transit and urban traffic**. There are **no conflicts regarding the operational safety and it meets the requirements** of the Decision of the European Parliament 1692/96/EC of 23.7.1996 on the development of the trans-European network.

Ignoring the facts mentioned above and in spite of a strong opposition and protests of thousands of citizens and several mayors of northern municipal districts of the capital city, the Ministry of Transport and the political leadership of Prague keep on pushing through the southern variant „J“

Since the beginning of 2006 **Commission has been approached repeatedly on this matter** in writing and even personally in February 2007 at a meeting in Brussels of a Czech „non-governmental“ delegation with its representatives. Not only citizen associations but some mayors and Czech senators took active part in these contacts. **Many supportive documents enabling the Commission to assess correctly infringements of Community law have been submitted.** Nevertheless except for polite but little specific responses **no real action**, no steps towards Czech national authorities aiming at clarifying and rectifying the situation were taken. The Commission has always justified its in our opinion very loose attitude with the **principles of subsidiarity and national independence.**

Notwithstanding we are convinced that **Commission should exercise its mandate with its full efficacy and responsibility** to guarantee European interests commonly agreed upon and to prevent the limited and narrow minded national or even lobby group interests from prevailing in areas as important for Europe as in the area of TEN-T road network. This is extremely important for the period 2007 – 2013 where European funds are provided to countries as the Czech Republic.

Based on our experience we cannot accept the argument of the Commission that

- *there is no role for the Commission until a TEN-T project is submitted for funding to the Commission, and that*
- *the choice of alignments of TEN-T roads is solely responsibility of the national authorities.*

We naturally agree with the fact that the land-use-planning and land-use-permitting steps have to follow the national law and are to be taken by national authorities. Nevertheless we consider a **strict compliance with EU law as a first prerequisite for orderly national procedures. Evident breaches of the European law cannot be tolerated with reference to the subsidiarity principles.** Commission should have the obligation to supervise strictly the compliance of the national projects with EU binding requirements **independently of the fund cofinancing**

Our case of the Prague Ring Road can serve as a very instructive example for such reasoning:

It is true that this project is included in the Operational Programme Transport. Nevertheless the state owned investment organization Road and Motorway Directorate being aware of the irregularities in the project **has now given up completely the previously foreseen idea of cofinancing the north-western segment of the Ring Road from EU funds** and is planning to make use of financial credits from the EIB on „commercial“ base! Clear objective is just to **escape the vigilance of the Commission services in a key european project!** There is no need to remember in this context an extremely critical situation in the national budget...

If major mistakes happen in designing and constructing the Prague Ring Road, and that is what we fear strongly, then the TEN-T system in this part of Europe will not satisfy the expected TEN-T characteristics, one **major dangerous bottleneck will be created, massive irreversible damages on environment produced and huge amounts of public money wasted.**

This would have a direct impact on the traffic from/to all neighbouring countries and therefore Art. 155 of the EC Treaty needs to be applied to R1 as well.

The issue of proper application of the subsidiarity and proportionality principles has to be resolved by the Commission to avoid non-action of Commission. In such a situation the chances to build a fully functional TEN-T network in the Central Europe will grow dramatically.

Sincerely yours

Mrs. Hana Francová – chairwoman of the association