

Brussels, 20. 02. 2008
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Mr Petr Hejl
Mayor
Municipal District Prague-Suchdol
Suchdolské nam. 3
165 00 Praha 6 – Suchdol
Czech Republic

00641/08

Dear Mr Hejl,

I would like to thank you for your letter of 12 November 2007 regarding the OP Transport. I understand that you are concerned about specific major transport projects and mainly the Prague Ring Road project.

First, I would like to underline that the purpose of the Operational Programs is to set the overall strategy for the utilization of EU Funds in the Financial Perspective 2007-2013. In this context, and on the basis of the principle of subsidiarity, the implementation of co-financed actions is the responsibility of the Member States, at the most appropriate territorial level and according to the institutional system of each Member State (Article 12 of Regulation (EC) No 1083/2006).

This means, in particular, that the European Commission may not intervene in the choice of projects nor in the definition of the projects' alignment, as this is the exclusive competence of the national authorities, provided that their choices are in line with the principles laid down in the programming documents adopted in consultation with the Commission, and that they comply with Community and national legislation, including State aid and environmental rules.

Against this background and considering the opinion of the Ministry of Environment (attached in your letter in CZ) confirming that the "Ss" variant is the more suitable routing for the Prague Ring Road and several other comments of NGOs and/or civil associations sent to the Commission, the final version of the OP Transport submitted by the Czech Authorities on 12 October 2007 includes the following preamble:

"The list of projects in Appendix 1 and the schemes in Appendix 2 are to be considered as indicative. These projects and their configuration (specific line routings, e.t.c.) could be amended and changed during the programming period. Approval to co finance any project mentioned in the OP Transport and in the appendixes, will be subject to the examination of his application for co financing by the Managing Authority of the OP Transport, including the Environmental Impact Assessment (EIA) and the Cost - Benefit (C/B) analysis which should contain, inter alia, comparison of alternative options on the base of their cost and environmental aspects in line with the "letter and spirit" of the relevant Community legislation. The findings of the comparative studies of the examined alternative alignments, both from an economic and environmental point of view, will be part of the formal application for the co financing of the projects. It should finally be stated that approval of the operational programme and approval of financial support for individual projects are two separate processes and therefore the decision of the European Commission on the programme approval does not prejudge the approval of co financing for any individual project".

I can assure you that the Commission services will be very vigilant as regards the respect of all requirements (Environmental Impact Assessment, cost/benefit optimisation and TEN priorities) in connection to the major projects which will be submitted by the Czech authorities for cofinancing. This vigilance includes the issue of comparison of alternative variants for the realisation of major projects and the procedures regarding authorisations for land use.

For reasons of transparency, I copy this letter to the Minister of Transport, Mr Aleš Řebíček.

Sincerely yours,



Copy: Mr Aleš Řebíček - Minister of Transport