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L-2950 Luxembourg

Marcia Fantin  
Complaints Office Secretariat  
European Investment Bank  
100 boulevard Konrad Adenauer  
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In Bratislava, 21.12. 2009

Dear Mr. Maystadt, dear Mr. Fantin,

Thank you for your letter dated 16 November 2009 and for your effort in the further investigation in the matter of the construction of the D1 motorway, Turany-Hubova section within the Project "Slovak Motorway (PPP) D1 Phase1".

We are glad to send you the expertise paper "*The significance of the impacts of the proposed D1 Turany – Hubová on the species, biotopes, Natura2000 sites and land*" („Významnosť vplyvov navrhovanej diaľnice D1 Turany - Hubová na druhy, biotopy, územia sústavy NATURA 2000 a krajiny) conducted and finalised by the nature specialists.

This study paper attached focuses on the analysis of "*The assessment of the significance of any impact of the proposed D1 Turany – Hubová on the Natura 2000 sites*" (*Hodnotenie významnosti vplyvov navrhovanej diaľnice D1 Turany - Hubová na územia sústavy NATURA 2000*) prepared by the company Creative, s.r.o. in November 2007 (hereafter "the study of PEŤKOVÁ & MIKA 2007") and submitted to Ministry of Environment of the Slovak Republic.

Findings of nature protection expert team show that the study of PEŤKOVÁ & MIKA 2007 is rather vague and is not based on the complete, methodically and clearly specified source of information and thus, it should not be considered as an appropriate assessment under the article 6(3) of the Habitat directive 92/43/EEC or as any supporting document mandatory for the approval procedure.

Moreover, the results of the assessment carried out by the expert team clearly indicate that the chosen variant of D1 would have negative impact on protected areas of Natura 2000. This variant would also represent the potential risk for damage of the characteristic biotopes in the area of Šútovo - Rojkov (national parks Malá Fatra, Veľká Fatra and river Váh). The biotopes 7230 Slatiny, 7140 transitory mosses and tracing areas 3160, the nature dystrophic slack 91D0\*, moss – birch forests and 9180\* linden-maple forests (with spring areas) and several migration and over-wintering water birds, bats, amphibian and other species of bigger animals are at the major risk. The mitigation and compensation measures within the study of PEŤKOVÁ & MIKA 2007 have been immensely neglected.

Analysis of relevant Slovak authorities' decisions show that there have been no compensation measures for the project and the mitigation measures were only partly determined. We stress that the preparatory works which have already started have been causing damages which will be difficult to mitigate.

When taking into consideration the mentioned existence of the alternative variant, an appropriate and comprehensive assessment of the alternatives shall be performed and completed by the corresponding authorities of the Slovak Republic before the project is approved.

Please see the full detailed study of "*The assessment of the significance of the impacts of the proposed D1 Turany-Hubová on the species, biotopes, Natura 2000 sites and land*" conducted by the expert team in attachment accompanied by relevant parts of the construction permit and decisions on the compensation measures.

We are planning to organise a meeting scheduled for the second half of January 2010 in Bratislava. This meeting shall bring together all concerned parties – European Commission, European Investment Bank, European Bank for Reconstruction and Development, the Slovak Ministries of Environment and of Transport, and Friends of the Earth-CEPA – to discuss the issues related to the PPP road projects in Slovakia.

The formal invitation with precise information will be sent to you shortly.

Sincerely,

Lucia Lackovičová, national coordinator CEE Bankwatch Network, Priatel'ia Zeme-CEPA

Juraj Zamkovský, Executive Director, Priatel'ia Zeme-CEPA

Miroslav Demko, Executive Director, SOS BirdLife Slovensko

Ján Topercer, odborný pracovník, Botanická záhrada UK Bratislava

#### **Annexes:**

1. Significance of the impacts of the proposed D1 Turany - Hubová on the species, biotopes, Natura2000 sites and land / Významnosť vplyvov navrhovanej diaľnice D1 Turany Hubová na druhy, biotopy, územia sústavy NATURA 2000 a krajinu (file Vplyvy\_D1\_Turany-Hubova\_alternativa.pdf)
2. Spring communities of the Velka Fatra Mts Western Carpathians and their relationships to central European spring vegetation, Kliment etal 2008 (file Spring\_communities\_of\_the\_Velka\_Fatra\_Mts\_Western\_Carpathians\_and\_their\_relationships\_to\_central\_European\_spring\_vegetation\_Kliment\_etal\_2008.pdf)
3. Opinion on Assessment Report of the Small Water Power Plant Krpelany-Ruzomberok, Topercer&Bernatova 2008 (file Stanovisko\_k\_Sprave\_o\_hodnoteni\_MVE\_Vah\_Krpelany-Ruzomberok\_Topercer&Bernatova\_2008.pdf)
4. Assesment of current situation of ichtyofauna in Upper Vah, Zontag 2006 (file Zhodnotenie\_sucasneho\_stavu\_ichtyofauny\_horneho\_Vahu\_Zontag\_2006.pdf)
5. Construction permit D1 Motorway Section Turany - Hubova (file construction\_permit\_d1\_turany\_hubova.zip)
6. Decisions on compensation measures for disturbance of biotopes of European and national importance.(file decisions\_compensations.zip)