



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Direction D – Water, Chemicals & Cohesion
ENV.D.3 – Cohesion Policy and Environmental Impact Assessments
Head of Unit

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CLEAN AIR ACTION GROUP
BUDAPEST
Mr András Lukács
President
Levegő Munkacsoport
HU-1465 HUNGARY, Pf. 1676
by e-mail: lukacs@levego.hu

Subject: Hungary - Suggestion for regrouping the EU Aid to Hungary on the basis of Hungarian non-compliance of the operative programs concerning transport with the community legislation

Dear Sir,

I refer to your email dated 27.09.2007, as well as to your meeting with my colleague in September and to your previous correspondence with other services of the Commission. The following aspects can be added to the issues that you brought to our attention.

As regards the Strategic Environmental Assessment (SEA) of the Hungarian Transport Operational Programme (TOP), the report does not contain any allegation of breach of environmental Community legislation in the strict legal sense; therefore your allegation of the OP not being lawful is unfounded in my view.

The 2001/42/EC Directive sets out the procedure of how to carry out the SEA in relation to certain national plans and programmes; DG Environment is entrusted with the task of checking the conformity of the procedure followed with the Directive during the adoption of the OP. Amongst others, the Directive requires the provision of an official statement (pursuant Article 9.1(b) of the SEA Directive) by the national authorities on how the OP has taken into account the findings of the SEA report, the opinions expressed by competent administrative services as well as by the wider public. The final version of the OP, which is available to the public, includes this statement. This statement of course has to become publicly available also according to the provisions of national legislation transposing the Directive.

Moreover, the SEA refers to the whole programme, which represents the national level. The question of sustainability will have to be looked at also on project level at the implementation stage of the OP. The OP will be implemented via 'action plans' and

concrete projects, where further Environmental Impact Assessment (EIA) is required in conformity with the 85/337/EEC Directive as amended by the 97/11/EC Directive.

Furthermore, let me draw your attention to the fact that the implementation of the OP will be monitored through the Monitoring Committee, which involves environmental authorities as well as NGOs as full members thus providing for another forum for ensuring environmental interests.

In addition, the Commission pursues a policy of sustainable transport to which several Member States including Hungary have subscribed. The TOP reflects the commitment of the Member State to sustainable transport i.a. in terms of budget allocation.

As regards the 'polluter pays' principle, I confirm the position taken by the Commission in its letter to you TREN/B1/SM/ nr D(2007) 310670 dated 04.05.2007.

I trust that the above fully responds to your questions.

Yours sincerely,



Georges KREMLIS
Head of Unit