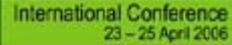
		<a href="#">HOME</a>   <a href="#">NEWSROOM</a>   <a href="#">PUBLICATIONS</a>   <a href="#">CITIZEN GUIDE</a> <a href="#">GET INVOLVED!</a>   <a href="#">ABOUT US</a>
<a href="#">WB Group</a> <a href="#">EBRD</a> <a href="#">EIB</a> <a href="#">EU Funds</a>  <a href="#">Waste</a> <a href="#">Energy</a> <a href="#">Transport</a> <a href="#">Nuclear</a> <a href="#">Oil &amp; climate</a> <a href="#">Mining</a> <a href="#">Green 10</a>  search <input type="text" value="Search"/>	<p> <a href="#">EU Funds &gt; South Eastern Europe's post-war reconstruction, Balkans &gt; Correspondence &gt; Statement on TEN-T enlargement to EU neighbouring countries</a> </p> <p> <b>Statement on TEN-T enlargement to EU neighbouring countries</b>            (July 15, 2005)  <i>Stability Pact Watch (SPW)</i> </p> <hr/> <p> <b>Introduction</b> </p>	<p> <b>Press Releases</b> </p> <ul style="list-style-type: none"> <li>▶ <a href="#">[Press release]</a> If this is not shameful, what is? (July 20, 2005)</li> <li>▶ <a href="#">[Press release]</a> Clean energy development arrested in Balkans, international public lenders challenged to do a lot more (May 18, 2005)</li> </ul> <p style="text-align: right;">All items</p> <p> <b>Correspondence</b> </p> <ul style="list-style-type: none"> <li>▶ <a href="#">[Policy letter]</a> Statement on TEN-T enlargement to EU neighbouring countries (July 15, 2005)</li> <li>▶ <a href="#">[Policy letter]</a> Letter to the Special Coordinator of the Stability Pact for SEE, Erhard Busek, requesting a meeting with Bulgarian environmental NGOs (January 2, 2004)</li> </ul> <p style="text-align: right;">All items</p> <p> <b>NGO Materials</b> </p> <ul style="list-style-type: none"> <li>▶ <a href="#">[NGO Study]</a> Arrested Development - Energy Efficiency and Renewables in the Balkans (May 21, 2005)</li> <li>▶ <a href="#">[NGO Study]</a> Bridging the gap between the EBRD's rhetoric and reality in the Balkans (May 16, 2005)</li> </ul> <p style="text-align: right;">All items</p> <p> <b>Official Documents</b> </p> <ul style="list-style-type: none"> <li>▶ <a href="#">[Official document]</a> Air Traffic Infrastructure Regional Study (ATIRS) for South-Eastern Europe. Executive Summary Report (May 9, 2001)</li> </ul> <p style="text-align: right;">All items</p> <p> <b>Resources</b> </p> <ul style="list-style-type: none"> <li>▶ <a href="#">[Article]</a> Balkan Stability Pact Watch Bulletin # 10 (April 21, 2006)</li> <li>▶ <a href="#">[Article]</a> Balkan Stability Pact Watch Bulletin # 9 (December 20, 2005)</li> </ul> <p style="text-align: right;">All items</p> <p> <b>Get Involved</b> </p>






►[Get Involved] [Bypass the problematic Skopje Bypass in Macedonia \(May 28, 2003\)](#)

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CEE Bankwatch Network, in cooperation with its partners from the Stability Pact Watch Group would like to express its views on the process of planning for the extension of the Trans European Transport Network (TEN-T) to the EU's neighbours [1]. We especially appreciate the initiative of the Commission to start consultations at a very early stage in the development of the report of the new High Level Group. We hope that the High Level group report and the EC communication on the issue of TEN-T enlargement will be drawn up in close cooperation with the civil groups concerned.

The position paper contains:

I) information on the **horizontal issues** that need to be investigated by the High Level Group in order to ensure the seamless and efficient development of transport axes and projects in the neighbouring countries.

II) proposals for **safeguards and criteria** that need to be used for granting EU aid and EIB support for the projects in neighbouring countries.

## I. Horizontal issues to be investigated

The TEN-T enlargement is to take place in countries that have quite different economic, social and environmental circumstances from the European Union. All of the countries are still in transition and special attention should be paid to the enforcement of democratic mechanisms and fundamental human rights. Most of the countries possess valuable natural resources and biodiversity while sufficient mechanisms for their protection are not in place. Environmental protection is a low priority and environment ministries lack resources and capacity to enforce their duties. Transport trends in the region show a shift from sustainable transport modes (railways, public transport) towards environmentally negative ones (road freight transport and air

transport). The efforts of the EU to accelerate transport infrastructure development in the Balkans, Russia, the Western New Independent States, the Caucasus and Turkey can only be seen as a positive initiative if they also bring higher economic, social and environmental standards in the process of project planning and implementation.

In order to ensure the development of sustainable transport in the neighbouring countries, the High Level group should take account of the legislative and democratic framework in the countries, trans-boundary connection and cooperation, the need for modernization and optimization of the use of the existing infrastructure and the promotion of environmentally friendly transport modes.

### **1. Nature Protection legislation - the need for enforcement of the precautionary principle for valuable biodiversity sites**

Most of the countries concerned lack adequate legislation for protection of their valuable biodiversity. A significant proportion of the sites that deserve protection under international agreements ( e.g. the Bonn, Bern, Ramsar Conventions) and EU legislation (Birds and Habitats Directives [2] ) still have not been investigated. EU funds for infrastructure development, however, are not complimented by strict requirements for the implementation of standards similar to the ones in the EU with regard to the biodiversity that might be affected by the infrastructure development.

At the same time “mega” infrastructure projects are given a fast track. National governments give little consideration to public concerns and scientific data, due to the expectation of EU aid and/or agreements with the EU for fixed deadlines for completion [3] . We fear that most of the damage to sensitive areas and the environment in general will be irreversibly done before these countries “catch up” with EU legislation (or equivalent), if they ever do. Further, the European Commission – if it had the required human resources available, which is NOT the case - and the European Court of Justice will have no remit there and the only pressure that could be exerted by the EU would be “political” and not “legal”.

It is thus vital to require that these countries list, as a matter of urgency, potential areas for designation as Natura 2000 or equivalent, looking at the efforts already made under national legislation and International Conventions. This should be part of the initial identification of TEN-T axes/priority projects.

The High Level Group report should investigate and propose mechanisms for the enforcement of the precautionary principle when transport projects could harm valuable biodiversity sites. There must be no net loss to the ecological integrity of the actual and potential Natura 2000 network as a result of transport infrastructure developments.

## 2. Countries' readiness to implement integrated river basin management as requested in the Water Framework Directive.

The lessons from the past TEN-T extensions must be learnt now [4]. We do not want to end up, for example, in a situation as experienced now in the EU-25 and Accession countries with regards to the latest extension of the inland navigation component of the TEN-T Corridor VII (the Danube river), where several so-called navigation "bottlenecks" have been identified for removal (in order to make navigation possible) and which correspond 100% to the last remaining high ecological value stretches of the river [5].

The European Commission should carefully consider water infrastructure projects being developed in the neighbouring countries due to their impact on European water and biodiversity resources. For example the Ukrainian government has started construction of a channel in the Danube Delta without enforcing the provisions of the ESPOO Convention. The Romanian government expressed its concerns at a very late stage of the project's development. The EC has never expressed its view on the project. The Danube Delta is a biosphere reserve, and such a project should never have received approval, and it is already seriously affecting a series of endangered species, as well as the Delta itself. Furthermore the project was developed in the

absence of public participation and the Aarhus Convention authorities recently warned the country for not respecting the Convention's provisions.

Motorways on the sea could be also considered as alternative serving the transport needs of the Black Sea region. However, development of the TEN-T axes should not be in conflict with the requirements of having a good Ecological Status via integrated river basin management and should take into consideration the specific value of wetlands for water management along European rivers.

## 3. Procedures for Environmental Impact Assessment

**and Strategic Assessment are not in place and/or lacking in implementation**

Some of the countries concerned, such as those in the Western Balkans are in the process of harmonization of national legislation with that of the Community due to negotiations for accession. However, there is lot to be desired in the field of harmonization and later in implementation of the community legislation. For example in Macedonia the EIA procedure still cannot be applied as the Law on Environment that regulates the matter has been under review by the Ministries since the summer of 2004. Some of the regulations for the enforcement of the EIA process have not been prepared, neither has the legislation on nature protection been approved.

Where the legislation is in place, the neighbouring countries lack practice in implementing the EIA procedures. The EIA reports are often of very low quality and do not reflect the protection status of affected habitats and species, and display a lack of alternatives in the project design and a lack of mitigation measures for the adverse environmental impacts of transport projects. The relevant environmental authorities approve the EIA studies without considering their quality. The public also has little information for the possibilities of participating in the EIA procedure, and therefore, their involvement is low and ineffective.

The High Level Group should consider criteria for granting EU aid to transport projects in the neighbouring countries that will ensure the enforcement of EIA procedures similar to the Community ones. The Community should not grant aid for transport projects unless it is certain that these projects will undergo the EIA process in full compliance with the EC guidelines [6] and thus ensure proper protection of the environment and human settlements.

**4. The need for transparent and democratic processes for selection and development of the priority projects/axes.**

The previous High Level Group [7] for enlargement of the TEN-T to Central and East Europe countries [8] drew up its report with a lack of transparency and openness. We consider that a participatory process for the selection of the priority projects/axes will increase ownership and shared responsibility for the completion of the projects. The experience shows that transport infrastructure projects are often delayed due to the poor public involvement especially at the early stage of the project

preparation. Public consultations are also a way for the projects to benefit from the public's knowledge and experience.

The European Commission and the High Level Group should demonstrate their commitment to transparent and accountable transport planning by ensuring public access to the documents produced by the High Level Group and its members. Additionally, the countries concerned should be requested to make available national transport studies that serve as the background for the promotion of the different transport axes / projects.

Public access to the social and economic assessments of the specific transport project is an issue in most of the countries concerned. Taking into account the high cost of infrastructure construction for society the High Level group and later the EC should consider a special mechanism ensuring full access to the economic and social studies of the projects promoted.

## **5. Assessment of transport needs based on different scenarios for development of the neighbouring countries**

The future development of traffic volumes as such, per axis and per mode very much depend on the political objectives of the European Commission, its Member States and the neighbouring countries as well as the policies or instruments these parties intend to apply.

A policy aiming to develop strong and independent economies in the neighbouring countries requires not only more investment in local and regional transport infrastructure, but also in other facilities such as universities and research institutions, education, health services, energy saving and transparent and reliable political institutions and administration. Such a policy would reduce the need for long-distance transport and for huge transport infrastructure projects.

On the other hand, a policy aiming to maximize the exploitation of possible differences in labour costs, social and environmental legislation in order to geographically separate production patterns requires more investment in long-distance transport infrastructure. Such a policy has hardly shown to be effective in generating long-term economic benefits so far. The US transportation research board concluded in 1997 [9] that putting more resources into education and training is likely to offer better

returns than transport infrastructure investments. The Danish economist Bent Flyvbjerg claims in 'Megaprojects and Risks' [10] that the substantial regional, national and international development benefits commonly claimed by project promoters typically do not materialize.

We are clearly in favour of developing independent local and regional economies rather than promoting an economic system focused on the exploitation of economic differences. Thus we insist that the objective to promote and extend European internal market principles to neighbouring countries must go hand in hand with the establishment of equally high economic, social and environmental standards. Therefore, the development of the TEN-T axes should as their highest priority serve regional sustainable economies and only afterwards the needs and interests of EU business.

## **6. Decreased resources for covering national and local transport needs**

The working paper concerning the extension of the TEN-T to the neighbouring countries speaks about

1. the development of projects serving international traffic needs and
2. a shortage of financial resources including EU grant funds.

Transport infrastructure development is highly capital intensive but the economic viability of the projects is not always clearly demonstrated. Most of the concerned countries have limited financial resources for investments in infrastructure. A huge amount of money is currently spent for reconstruction and rehabilitation of roads along the main axes and it has already drained the resources for the maintenance of infrastructure serving national, regional and local needs.

Local and regional transport systems should be maintained and improved, thus optimizing the use of existing infrastructure, before national and EU funds are allocated to the construction of new trans-national transport infrastructure.

## **7. The promotion of sustainable transport through fair pricing and interoperability**

In the neighbouring countries to the East, so far, rail freight has a much higher share than in the EU (looking mainly at the "old" Member States). Bad management and insufficient funding for

maintenance and refurbishment will soon lead to a substantial shift of freight transport from rail to road, as is happening in the new Member States [11]. Inefficient use of existing infrastructure can lead to bottlenecks in the network and decrease the overall attractiveness of this transport mode. If the management issues are not tackled first, new lines will have to overcome the same image problems. This development is clearly against the objectives of the European Commission's White Paper on the common transport policy from 2001 [12], which aims to stabilize rail freight at the level of 1998.

Another key reason for the degradation of the railway sector in CEE and the new neighbouring countries is the continued liberalization of the sector in a situation where there is no equal pricing of the different transport modes. The working paper for the consultations shows that prices for use of the road infrastructure are 70% lower than in the EU. Subsequently taxpayers in the neighbouring countries are paying and will pay for the construction and use of the road infrastructure that mainly benefits international freight transport. At the same time the subsidies are being cut for those modes of transport which bring more social benefits for citizens, ie. rail and other public transport. In addition, it is important that EU legislation with regard to labour conditions, working and rest-time as well as existing road codes are applied, strengthened and thoroughly enforced in the EU Member States and neighbouring countries. The working conditions of truck drivers in the new Member States and in the neighbouring countries are very poor, which represents a considerable risk for road safety.

The lack of technical interoperability is one more obstacle for development of the rail networks. In relation to the neighbouring countries in the East, there is, in addition to the difference of the power supply, the safety and rail management systems, also a difference with regard to the gauges. Interoperability should be prioritized before any other infrastructure investments are made. Inter-modal transport should be facilitated in order to use existing infrastructure more efficiently. The following measures are important to improve inter-modal transport:

1. Improving the links between rail and maritime transport,
2. Improving information and communication systems with regard to managing inter-modal services,
3. Guaranteeing reliability and quality of services,

4. More efficient rail services,
5. Avoiding parallel infrastructure development for different modes

The High Level Group report should reflect the need for introduction of toll charges covering for the costs of environmental damage, pollution and road accidents in the neighbouring countries that will ensure fair conditions for the development of sustainable transport modes. A considerable part of the budget allocated to the TEN-T extension should be earmarked for funding innovative inter-modal projects and catalyst actions in the neighbouring countries analogous to the EU's Marco Polo Programme.

## II. Criteria for EU aid and EIB support for the TEN-T projects in neighbouring countries

1. The EC, with the cooperation of the Member States, should carry out a **full Strategic Environmental Assessment of the whole network and all future extensions (TEN-T and TINA) that will take into account the implementation of the objectives of the EU Transport White paper and strategy for sustainable development.**

The requirement for SEA on plans and programmes was made at the beginning of 2004 and EC should also follow it in this case. It is especially relevant to the TEN-T plans as TEN-T is only one element of the development of sustainable transportation in Europe and the SEA should assess how it contributes to the achievement of the Community Strategic documents (e.g Transport White paper, Strategy for Sustainable Development). What is more, the EU aid for TEN-T projects should be also justified from a social and economic point of view, taking into account the environmental cost it bears and the drastic way it affects/influences competitiveness in the transport sector.

### 2. EU funding for TEN-T projects in neighbouring countries should be conditional to:

- a thorough investigation of transport needs and clear project objectives. The project objectives should not contradict other EU Policy objectives.
- consideration of the different alternative solutions with regard to their expected contribution to achieve the objectives, including the 'zero' (no new investments) option
- application of a transparent and participative process of development and selection of the projects as required by the Aarhus Convention, transposing EU

Directives, and EU Directives for EIA and SEA.

- development of a cost-benefit analysis integrating the social and environmental costs. Investments in huge transport infrastructure hardly deliver what they promise. The final benefits are often around half of what is forecasted and the costs double the estimates that served as a basis for the political decision to go ahead with the projects (see the quote from the Danish economist Flyvbjerg [13] in : p.5). The European Commission should, therefore, demand a comprehensive assessment of all the economic, social and environmental impacts (including internalization of the environmental externalities, e.g. an economic valuation of ecosystem functions) for all TEN-T projects within the EU and neighbouring countries. This should be subject to public scrutiny and be assessed by an independent body, including at the trans-boundary level.
- application of EU legal requirements on nature (Habitats and Birds Directive) and water protection (Water Framework Directive). The project should not go ahead until – at the very least – all relevant areas for the protection of endangered species and habitats have been listed/identified and protected, and suitable management plans are in place. This should include areas that are already designated under national law and International Conventions and, whenever possible, be extended to all “environmentally sensitive areas” that could easily be affected by TEN-T projects. The European Commission should require this information from neighbouring countries as a condition sine qua non for the identification and development of any TEN-T axes/priority projects.

All these steps require the participation of organizations representing the interests of the citizens, taxpayers, employees, environmental interest groups etc. in the process. The European Commission should ensure that it has enough human capacity and political power to be able to monitor progress in the way the country respects the standards/criteria mentioned above and to enforce them. This should include the establishment of a penalty system (preferably relating to withdrawal of EU investments in those countries) for lack of compliance.

**3. The European Investment Bank (EIB) should not be given a new mandate of providing a special fund for TEN-T until it improves its access to information and environmental procedures.** The EIB should present a set of clear rules allowing affected citizens to get timely access to project information. The Bank must also increase its capacity to verify the environmental impacts of its investments, and not

leave this entirely up to the project promoter.

**4. Private investments must be made entirely at private risk.** The private sector should provide efficient customer-oriented services. It should follow existing social and environmental rules and stigmatize service providers that do not abide by these rules.

**Notes:**

1. 25 neighbouring countries and regions: Albania, Bosnia and Herzegovina, Croatia, Egypt, the former Yugoslav Republic of Macedonia, Georgia, Israel, Jordan,
2. Lebanon, Libya (as observer), Morocco, Moldova, the Palestinian Authority, Russia, Serbia & Montenegro, Kosovo (under UNMIK administration), . Switzerland, Syria, Tunisia, Turkey and Ukraine.
3. European Directives on the conservation of wild birds (79/409/EEC) and conservation of wild habitats (92/43/EEC)
4. The fixed deadlines for completion of the projects could be part of the agreements for EU aid and/or part of Accession agreements and negotiations, especially in the case of Water Balkans.
5. [http://www.birdlife.net/action/change/europe/ten-t\\_case\\_studies.pdf](http://www.birdlife.net/action/change/europe/ten-t_case_studies.pdf)
6. See maps and WWF Danube shipping report at <http://www.panda.org/downloads/freshwater/DanubeReport.pdf>
7. EIS, scoping and public consultation procedures
8. High-Level group, chaired by Karel Van Miert that published a report with recommendations for priority projects on June 30, 2003
9. The new 8 members from CEE plus Bulgaria and Romania
10. Transportation Research Board, 1997, 'Macroeconomic Analysis of the Linkages between Transportation Investments and Economic Performance'
- Megaprojects and Risks; an anatomy of ambition, Flyvbjerg, Bent, Niels Bruzelius and Werner Rothengatter, Cambridge 2003.
11. Heading down dead ends: Transport sector financing in Central and Eastern Europe', CEE Bankwatch Network, 2004.  
[http://www.bankwatch.org/publications/studies/2004/dead\\_ends-transport\\_study\\_09-04.pdf](http://www.bankwatch.org/publications/studies/2004/dead_ends-transport_study_09-04.pdf)
12. White Paper: European Transport Policy for 2010: Time to decide, COM(2001)370 final
13. Megaprojects and Risks; an anatomy of ambition, Flyvbjerg, Bent, Niels Bruzelius and Werner Rothengatter, Cambridge 2003.

Related Items

- ▶ [\[NGO Study\]](#) Conflict Areas between the TEN-T and Nature Conservation (July 12, 2003)
- ▶ [\[Policy letter\]](#) Letter from Bulgarian NGOs to the European Commission on protection of sites of community interest and special protection areas in Bulgaria with regard to the TEN-T development (February 9, 2004)
- ▶ [\[Policy letter\]](#) Letter to EU Commissioner Michel Barnier requesting that the environmental assessment be undertaken prior to the routing decision for TEN-T "Via Baltica" road corridor (August 22, 2003)
- ▶ [\[Press release\]](#) NGOs call on Council to follow European Parliament on green safeguards for TEN-T projects (March 12, 2004)
- ▶ [\[Policy letter\]](#) Open letter to the EU Transport attachés on the revised community guidelines on the development of the guidelines for the Trans-European Networks for Transport (TEN-T) (March 8, 2004)
- ▶ [\[Policy letter\]](#) Suggestions for public consultation on extension of the Trans-European transport networks to the EU neighbouring countries (April 1, 2005)

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