

Petition concerning:

Draft

**COMMISSION OPINION
of 3 December 2010**

on request of Germany pursuant to Art. 6 (4) Sub Par. 2 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, concerning the construction of the extension of the motorway A 49 by linking the end of the completed A 49 at Neuental with A 5 in Hesse (Germany

As a member of a German environmental organization (Botanische Vereinigung für Naturschutz in Hessen, BNVH) I was concerned with a NATURA 2000 site that is infected by the planned motorway A 49 in Hessen/Germany.

I had a double experience: At first I realized, that the “information” of the German authorities for the EU Commission didn’t agree with their own documents and that there was no chance to speak about the heavy mistakes made in the “information”, because -as was written in a letter directed to me-: “the European Commission will judge the German documents herself”. (Literally in the letter dated October 19th 2010, reference. 20e-A 49- T8-T1/KS: “Die Beurteilung der Richtigkeit und Zulässigkeit des beantragten Ausnahmeverfahrens obliegt der EU-Kommission, Generaldirektion Umwelt. Alle wesentlichen Kriterien(zwingende Gründe, Entlastungswirkung, positive Effekte, Alternativen-Vergleich) werden dort zu beurteilen und zu bewerten sein.”)

In spite of the fact that the German information concerning the “imperative reasons of overriding public interest” were wrong, the European Commission misunderstood the German “information” and produced really nonsense. Acknowledging the “imperative reasons” the EU-Commission writes (page 4 of draft commission opinions of December 3rd 2010) as main point:

- 1. “Regional economic models suggest that this development (by building the motorway A 49) will create up to 13 600 jobs in different companies.”**

In the German information it was written, that in the town Stadtallendorf **exist** 13 600 jobs in different companies, i.e. it does not mean that new jobs are created.

Neither the German authorities nor the EU Commission were able to tell me, what kind of “regional economic models” were used. Obviously they don’t exist.

- 2. By misunderstanding a chart in the German “information” the European Commission writes: “As an important positive result, traffic density in the subordinate road network will be reduced by 100 000 vehicles/day.”**

This would mean that on the motor way A 49 (smaller than the parallel motorway A5) there would be about 125 000 vehicles/day (100 000 from the subordinate road

network plus 23 300 from the motor ways A 5 and A 7 plus another 1 500 vehicles of induced traffic, i.e. traffic, that didn't exist before). Both these figures I have taken from the official German papers that the European Commission obviously didn't get.

That is absurd, especially, because the official German papers expect about **36 000** vehicles/day of **total** traffic on the motorway A 49 in 2020.

3. Concerning the noise level the German authorities "informed" the European Commission wrongly, that there will be (by building the motorway A 49) a reduction of noise up to 50%. But this reduction ("up to 50%" in one point) will not be reached by building the motor way A 49, but by an additional planned bypath of the town of Treysa. By the European Commission there were produced new mistakes. In the "draft commission opinion" the German information was changed to almost 50% (it should be "up to" 50%) and in the German version it was again changed to "mindestens 50%", which means at least 50%. Really there will be almost no general reduction of noise level, because those villages affected by additional traffic (by building the motorway A 49) are not mentioned at all.

Three things –that's my opinion- should be cleared up:

1. Concerning the "imperative reasons of overriding public interest" there should be given the information, that these reasons can't be proved by the European Commission. Hence the authorities of the different countries should not be allowed to write that these reasons will be proved by the European Commission.
2. The "imperative reasons of overriding public interest" in the "draft commission opinion" are wrong to such an extend (by mistakes the European Commission is responsible for), that the decision of December 3rd ought to be cancelled.
3. If through wrong translation mistakes arise, there should exist a clear settlement of which text is valid. (If such a settlement should already exist, I would be thankful to be informed about it.)

With best regards, Reinhard Forst

(Anmerkung: am 1. Juni 2011, 16.04h über die Website des Europäischen Parlaments versendet)