

## Z á p i s n i c a

**z rokovania Pracovnej skupiny pre prípravu maďarsko-slovenského spoločného strategického environmentálneho posudzovania v rámci maďarsko-slovenských rokovaní súvisiacich s implementáciou rozsudku Medzinárodného súdneho dvora v Haagu vyneseného vo veci Sústavy vodných diel Gabčíkovo - Nagymaros, konaného 9. júla 2008 v Bratislave**

1. Druhé zasadnutie odbornej pracovnej skupiny pre prípravu maďarsko-slovenského spoločného strategického environmentálneho posudzovania (SEA) sa uskutočnilo 9. júla 2008 v Bratislave. Maďarskú odbornú delegáciu viedol pán Dr. György Kovács, slovenskú odbornú delegáciu viedol pán RNDr. Ladislav Ambróš. Zoznam účastníkov rokovania obsahuje *Príloha č. 1*.
2. Strany konštatujú, že maďarská časť 11. februára 2008 zaslala slovenskej časti maďarský návrh nazvaný „Scoping Report“ of a planned Hungarian-Slovak joint Strategic Environmental Assessment concerning programmes of measures of the River Basin Management Plan on the Danube sections affected by the Judgement of the International Court of Justice in the Case of the Gabčíkovo - Nagymaros.
3. Strany konštatujú aj to, že v zmysle bodov 4 - 7 Zápisnice z rokovania vládnych delegácií zo dňa 6. novembra 2007 slovenská strana 26. novembra 2007 zaslala maďarskej strane návrh Štatútu monitorovania prírodného prostredia na úseku Dunaja Sap - Budapešť a následne návrh Štatútu Riadiaceho výboru pre strategické environmentálne posudzovanie (Steering Committee). V súvislosti s tým maďarská strana odovzdala svoje pozmeňujúce návrhy slovenskej strane 15. januára 2008. Slovenská časť ako odpoveď zaslala 2. mája 2008 maďarskej časti ďalšie návrhy, na ktoré maďarská strana reagovala svojimi návrhmi 15. mája 2008.
4. Strany na dnešnom rokovaní prerokovali návrh Štatútu monitorovania prírodného prostredia na úseku Dunaja Sap - Budapešť, ktorý schválili a tvorí *Prílohu č. 2*.
5. Strany prerokovali návrhy na Štatút Riadiaceho výboru pre strategické environmentálne posudzovanie (Steering Committee), dohodli sa na jeho znení a tvorí *Prílohu č. 3*.
6. Strany sa dohodli, že návrhy Štatútov uvedených v *Prílohe č. 2 a 3* predložia vedúcim vládnych delegácií na schválenie.
7. Strany sa dohodli, že po schválení Štatútu vládnyimi delegáciami nominujú členov Riadiaceho výboru, ktorým budú poskytnuté materiály slovenskej a maďarskej strany vypracované pre potreby Strategického environmentálneho posudzovania:

- „*Methodical Guidance on the Assessment of the Gabčíkovo - Nagymaros Project concerning the Construction and Operation of the Gabčíkovo - Nagymaros System of Locks significantly affecting Natura 2000 sites, surrounding Habitats and Areas, and Primary Important for the European Policy*“, odovzdaný maďarskej strane dňa 3. mája 2007

- „*Postup, predmet, obsah a metodika maďarsko-slovenského spoločného strategického environmentálneho posudzovania vplyvov možných technických zásahov v záujme realizácie cieľov Zmluvy z roku 1977 a environmentálnych cieľov v oblastiach dotknutých Projektom Gabčíkovo - Nagymaros*“, zaslaný slovenskej strane dňa 6. júna 2007

- „*Scoping Report of a planned Hungarian-Slovak joint Strategic Environmental Assessment concerning programmes of measures of the River Basin Management Plan on the Danube sections affected by the Judgement of the International Court of Justice in the Case of the Gabčíkovo - Nagymaros Project*“, zaslaný slovenskej strane dňa 11. februára 2008.

8. Táto zápisnica je vyhotovená v slovenskom jazyku a v maďarskom jazyku a jej obe znenia majú rovnakú platnosť. Zápisnica obsahuje tri prílohy, ktoré sú neoddeliteľnou súčasťou tejto zápisnice.

V Bratislave 9. júla 2008.



Dr. György Kovács, CSc.  
vedúci maďarskej časti  
Pracovnej skupiny pre prípravu  
spoločného maďarsko-slovenského  
strategického environmentálneho posudzovania



RNDr. Ladislav Ambróš  
vedúci slovenskej časti  
Pracovnej skupiny pre prípravu  
spoločného maďarsko-slovenského  
strategického environmentálneho posudzovania

**Členovia slovenskej a maďarskej vládnej delegácie na rokovaní  
Pracovnej skupiny pre prípravu Strategického environmentálneho posudzovania  
súvisiaceho s realizáciou rozsudku Medzinárodného súdneho dvora v Haagu  
vyneseného vo veci Sústavy vodných diel Gabčíkovo - Nagymaros,  
konanom 9. júla 2008 v Bratislave**

Zoznam členov slovenskej delegácie

RNDr. Ladislav Ambróš, vedúci pracovnej skupiny  
JUDr. Metod Špaček, Ministerstvo zahraničných vecí SR, vedúci Pracovnej skupiny pre  
právne otázky  
Ing. Oleg Havaši, Ministerstvo životného prostredia SR, riaditeľ odboru posudzovania  
vplyvov  
Ing. Marián Vagač, Ministerstvo životného prostredia SR, odbor posudzovania vplyvov  
Ing. Marián Zafko, Ministerstvo životného prostredia SR, sekcia vôd a energetických zdrojov  
Prof. RNDr. Igor Mucha, DrSc., expert, Konzultačná skupina Podzemná voda  
RNDr. Zoltán Hlavatý, PhD., expert, Konzultačná skupina Podzemná voda  
RNDr. Dalibor Rodák, PhD., expert, Konzultačná skupina Podzemná voda  
Eleonóra Hellerová, tlmočnica

Zoznam členov maďarskej delegácie:

Dr. György Kovács, CSc., hlavný odborný poradca, Ministerstvo pre ochranu životného  
prostredia a vodné hospodárstvo MR  
Judít Csóka, hlavný odborný radca, Ministerstvo národného rozvoja a hospodárstva MR  
Gyula Holló, Ministerstvo pre ochranu životného prostredia a vodné hospodárstvo MR  
Prof. István Ijjas, expert  
István Láng, Ministerstvo pre ochranu životného prostredia a vodné hospodárstvo MR  
Emil Janák, riaditeľ, ÉDUKÖVIZIG  
Dr. Gábor Bartus, expert pre otázky ekonomiky životného prostredia  
Dr. Boldizsár Nagy, medzinárodnoprávny expert  
Pál Benyo, tlmočník



**STATUTE  
on the monitoring of natural environment  
on the Sap-Budapest Danube section**

This Statute was elaborated based on negotiation results between the Governmental Delegations of the Slovak Republic and the Republic of Hungary on starting a specific monitoring of natural environment on the Danube section between Sap and Budapest, according to the Article 5 of the Minutes from meeting of the Governmental Delegations of the Slovak Republic and Republic of Hungary on implementation of the Judgement of the International Court of Justice in the Hague concerning the Gabčíkovo - Nagymaros System of Locks, held on November 6, 2007 in Bratislava. The Governmental Delegations of the Slovak Republic and the Republic of Hungary (hereinafter as Parties) in Article 6 of the Minutes from November 6, 2007 undertook to exchange the data from environmental monitoring systems, which are necessary for preparation of the Strategic Environmental Assessment (SEA) according to the Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment as described in Articles 5-11 of the Agreed Minutes on the negotiation of the Hungarian-Slovak Joint Expert Group established for the Preparation of the Hungarian-Slovak Joint Strategic Environmental Assessment, held in Budapest on July 2, 2007.

According to Articles 5 and 6 of the Minutes from November 6, 2007 the Heads of the Governmental Delegations of the Slovak republic and the Republic of Hungary

**Ing. Gabriel Jenčík**, head of the delegation of the Slovak Government, Plenipotentiary of the Government of the Slovak Republic for Construction and Operation of Gabčíkovo - Nagymaros Hydropower Scheme

and

**Dr. György Erdey**, head of the delegation of the Hungarian Government, State Secretary of the Ministry of Environment and Water of the Republic of Hungary

agreed on the exchange of monitoring data of the natural environment on the Sap - Budapest Danube section, related to the implementation of the Judgement of the International Court of Justice concerning the Gabčíkovo - Nagymaros Project.

**Article 1**

1. The monitoring of natural environment on the Danube section between Sap and Budapest is based on the monitoring methodology according to the Agreement between The Government of the Slovak Republic and the

Government of the Republic of Hungary about certain temporary technical measures and discharges to the Danube and Mosoni branch of the Danube, signed on April, 1995 taking into account the provisions of Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy.

2. The coordination of monitoring works, the technical execution and management of the joint Slovak-Hungarian monitoring of natural environment on the Danube section between Sap - Budapest, and the data exchange as well will be ensured either by the Head of the Governmental Delegation, or by the Monitoring representative appointed by the respective Head of the Governmental Delegation.

## **Article 2 Environmental Monitoring System**

1. The monitoring sites, objects and monitored parameters are specified in the Annexes to this Statute. Annex 1 contains monitoring sites, objects and monitored parameters for the Slovak Republic and Annex 2 for the Republic of Hungary.
2. The Monitoring representatives are entitled to change or add a monitoring site, object or parameter by mutual consent.

## **Article 3 Data exchange from the monitoring**

1. In three months following the approval of this Statute the Parties will exchange the existing data. Data obtained after starting the monitoring of the natural environment on the Danube section between Sap and Budapest according to this Statute will be exchanged by the Parties semi-annually till the end of the SEA, unless agreed otherwise.
2. The data exchange will be performed in written and digital form by the Monitoring representatives. The Monitoring representatives will ensure the exchange of necessary topographical maps and any other relevant background materials based on mutual agreement.
3. The data exchange in written form will consist of Accompanying Technical Report on monitoring elaborated in English, where the Parties give an overview of realized monitoring extent and methodology including descriptions of monitored objects, detailed methodology of measurements and samplings. The tabular, graphical and map data processing of monitored parameters will be documented in the Annex of the Accompanying Technical Report.

**Article 4  
Miscellaneous Provisions**

1. All expenses connected with the monitoring and the data exchange are covered by the Parties themselves.
2. This Statute is in force from the day of its signing till the end of the SEA procedure unless the Parties agree otherwise.
3. Annex 1 containing the monitored sites, objects and parameters for the Slovak Republic and Annex 2 for the Republic of Hungary are non-detachable parts of this Statute.

*Done in on xx, Month 2008.*

.....  
**Gabriel Jenčík**  
*head of the Slovak delegation*

.....  
**György Erdey**  
*head of the Hungarian delegation*



**Statute  
of the Steering Committee  
for Strategic Environmental Assessment**

*approved by the Governmental Delegations  
of the Slovak Republic and the Republic of Hungary for negotiations  
on the implementation of the Judgement of the International Court of Justice  
in the case Gabčíkovo-Nagymaros Project*

*Based on the agreement of the Governmental Delegations of the Slovak Republic and the Republic of Hungary on the realization of a joint Strategic Environmental Assessment with the aim to evaluate all technical solutions related to the implementation of the Judgement of the International Court of Justice in the case of the Gabčíkovo - Nagymaros Project, in terms of the Agreed Minutes of the negotiation of the Governmental Delegations of the Slovak Republic and the Republic of Hungary, held on November 6, 2007 in Bratislava, and the Agreed Minutes of the negotiation of the Working Group for the preparation of the joint Slovak - Hungarian Strategic Environmental Assessment, held on July 2, 2007 in Budapest,*

*Implementing Paragraph 4 of the Agreed Minutes of November 6, 2007,*

**the Governmental Delegations of the Slovak Republic and the Republic of Hungary** led by

**Ing. Gabriel Jenčík**, Head of Delegation of the Government of the Slovak Republic, Plenipotentiary of the Government of the Slovak Republic for the Construction and Operation of the Gabčíkovo-Nagymaros Hydropower Scheme

and

**Dr. György Erdey**, Head of Delegation of the Government of the Republic of Hungary, State Secretary of the Ministry of Environment and Water of the Republic of Hungary,

*Have agreed as follows:*

**Article 1  
Composition**

1. The Steering Committee for the Strategic Environmental Assessment shall have six members. Each Party shall nominate three members, while one of them shall be a Co-Chairman and one shall be an international expert. Members shall be nominated and recalled by the respective Heads of the Governmental Delegations. Nominations and recalls shall be notified in writing to the other party.

2. Parties have agreed that the SEA procedure will be conducted by a jointly created working group consisting of Hungarian and Slovak experts as well as independent international experts freely chosen by the parties. The working group will be governed by the Steering Committee.

## **Article 2 Goal, tasks and methods**

1. The goal of the Strategic Environmental Assessment is the evaluation of proposed human interventions in connection with the objectives of the 1977 Treaty confirmed by the Judgement of the International Court of Justice concerning the case of the Gabčíkovo-Nagymaros Project and production of an environmental report including matters forming part of the River Basin Management Plan. The Strategic Environmental Assessment shall extend to the separate but interconnected sections of the Danube between Bratislava and Budapest, affected by the 1977 Treaty on the Construction and Operation of the Gabčíkovo - Nagymaros System of Locks
2. The Strategic Environmental Assessment will be carried out in accordance with the provisions of Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment, Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, and other relevant European and international legal regulations.
3. The task of the Steering Committee is to formulate common proposals of technical measures in harmony with the preparation of the River Basin Management Plan and to organise their Strategic Environmental Assessment in the section of the Danube affected by the Judgement of the International Court of Justice in the case of the Gabčíkovo - Nagymaros Project which ensure the fulfilment of the recent environmental norms and its requirements endorsed by the Judgement.
4. Background materials, proposals, preliminary assessments and other materials connected with the preparation of River Basin Management Plan and of Strategic Environmental Assessment shall be elaborated independently by the Parties and shall be handed over to the other Party in written form in English.
5. The Steering Committee, based on expert assessment of the exchanged materials, shall approve the proposed measures including their possible variants which will be subjects of the Strategic Environmental Assessment and results of the Strategic Environmental Assessment will be incorporated into the River Basin Management Plan.



6. In case of necessity the Steering Committee can decide on joint commissioning of a third party for certain task(s) during the procedure of the Strategic Environmental Assessment.

**Article 3  
Procedure, quorum, decision making**

1. The Steering Committee shall meet once in two months, alternately on the territory of the two Parties. Meetings of the Steering Committee shall be convened by the Co-Chairman of the respective Party organising the meeting. If necessary and upon the request of one of the Co-Chairmen, the Steering Committee may meet any time if parties so agree.
2. The required quorum of the Steering Committee is five persons. If fewer members are present, the Steering Committee may pursue deliberations but may not take decisions.
3. In order to take decisions including the approval of technical measures and adoption of the Environmental Report resulting from the Strategic Environmental Assessment at least five affirmative votes of the Steering Committee members are needed. If that can not be secured and nevertheless one of the parties disagrees that Party may submit a well-founded request to the Governmental Delegations which will decide on the submission.

**Article 4  
Adoption of the report on the Strategic Environmental Assessment**

1. The Parties aim at adopting the Environmental Report resulting from the Strategic Environmental Assessment in harmony with the River Basin Management Plan within the timeframe of the Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy.
2. Parties shall individually prepare background materials for the Strategic Environmental Assessment of the agreed variants of technical measures. These background materials shall be exchanged between the Parties and a common Report will be elaborated which shall be submitted to the Steering Committee for approval.
3. If no final and conclusive approval of the common Environmental Report is reached by the Steering Committee by 22 December 2009 this procedure of the joint Strategic Environmental Assessment shall be discontinued and the Steering Committee will elaborate a report describing in detail points on which agreement has been reached and points still subject to divergent views.

**Article 5**  
**Miscellaneous provisions**

1. All costs incurred with the work of the Steering Committee together with costs of the Strategic Environmental Assessment shall be covered by each Party independently.
2. Any commissioned task performed by a third party upon the joint commissioning by the two parties will be borne by the parties in equal proportion.
3. The Steering Committee shall begin its work after the Co-Chairmen for both Parties and the members have been appointed.
4. The Steering Committee shall continuously give information on its activities to the Heads of the Governmental Delegations.
5. This Statute shall terminate after realization of the Strategic Environmental Assessment and submission of its results to plenary session of Governmental Delegations or on 23 December 2009, at latest.

Done in .....on xx Month 2008

.....  
**Gabriel Jenčík**  
*Head of the delegation  
of the Slovak Republic*

.....  
**György Erdey**  
*Head of the delegation  
of the Republic of Hungary*