

ZÁPISNICA

**z rokovania vládnych delegácií Maďarskej republiky a Slovenskej republiky,
súvisiaceho s realizáciou rozsudku Medzinárodného súdneho dvora v Haagu,
vyneseného vo veci Sústavy vodných diel Gabčíkovo - Nagymaros,
uskutočnenom v Komárome 12. augusta 2008**

1. Delegácia vlády Maďarskej republiky vedená Dr. Györgyom Erdeym, splnomocnencom vlády, a delegácia vlády Slovenskej republiky vedená Ing. Gabrielom Jenčíkom, splnomocnencom vlády Slovenskej republiky pre výstavbu a prevádzku SVD G-N, uskutočnili 12. augusta 2008 v Komárome rokovanie o spôsoboch realizácie rozsudku Medzinárodného súdneho dvora v Haagu v záležitosti sporu súvisiaceho so Sústavou vodných diel Gabčíkovo - Nagymaros, vynesenom 27. septembra 1997 (ďalej Rozsudok). Zoznam účastníkov rokovania obsahuje *Príloha č. 1*.
2. Strany prediskutovali a prijali návrh textu spoločne prijatého pracovnou skupinou odborníkov, vytvorenou pre prípravu maďarsko-slovenského spoločného strategického environmentálneho posudzovania (SEA), 9. júla 2008 v Bratislave týkajúceho sa štatútu monitorovania riečného úseku medzi Sapom a Budapešťou a Riadiaceho výboru SEA (Steering Committee).
3. Štatút Riadiaceho výboru SEA (Steering Committee) podľa *Prílohy č. 2*, Štatút vzťahujúci sa na monitorovanie riečného úseku medzi Sapom a Budapešťou strany schválili podľa *Prílohy č. 3*.
4. Strany sa dohodli, že do dvoch týždňov vymenujú členov Riadiaceho výboru, ktorým dajú k dispozícii doteraz vyhotovené materiály k strategickému environmentálnemu posudzovaniu, vypracované maďarskou a slovenskou stranou, menovite nasledovné:
 - „*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 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 1977a environmentálnych cieľov v oblastiach dotknutých Projektom Gabčíkovo - Nagymaros*“, zaslaný slovenskej strane 6. júla 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 11. februára 2008

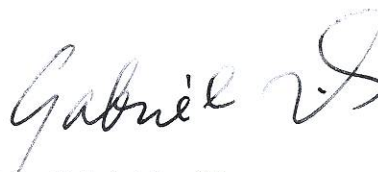
5. Strany sa dohodli na tom, že o nasledovnom termíne rokovania sa dohodnú prostredníctvom výmeny listov vedúcich vládnych delegácií.

6. Táto zápisnica bola vyhotovená v slovenskom a maďarskom jazyku, z ktorých obe verzie majú rovnakú platnosť. Zápisnica obsahuje tri prílohy, ktoré sú neoddeliteľnou súčasťou zápisnice.

Komárom, 12. augusta 2008.



Dr. György Erdey
vedúci vládnej delegácie
Maďarskej republiky



Ing. Gabriel Jenčík
vedúci vládnej delegácie
Slovenskej republiky

**Členovia slovenskej a maďarskej vládnej delegácie na rokovaní
súvisiacom s realizáciou rozsudku Medzinárodného súdneho dvora v Haagu,
vyneseného vo veci Sústavy vodných diel Gabčíkovo - Nagymaros,
konanom 12. augusta 2008 v Komárome**

Maďarská vládna delegácia

Dr. György Erdey, vedúci delegácie, Ministerstvo ochrany životného prostredia
a vody

Dr. György Kovács, hlavný odborný radca, Ministerstvo ochrany životného prostredia
a vody

Dr. Gábor Bartus, odborník na ekonomiku životného prostredia

Pál Benyó, tlmočník

Slovenská vládna delegácia

Ing. Gabriel Jenčík, vedúci delegácie, splnomocnenec vlády Slovenskej republiky pre
výstavbu a prevádzku Sústavy vodných diel Gabčíkovo – Nagymaros

RNDr. Ladislav Ambróš, vedúci slovenskej časti Pracovnej skupiny pre prípravu
strategického environmentálneho posudzovania

RNDr. Zoltán Hlavatý, expert, Konzultačná skupina Podzemná voda

PhDr. František Palfi, tlmočník

**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 Erdely, 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 Komárom on 12 August 2008.



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



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

**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

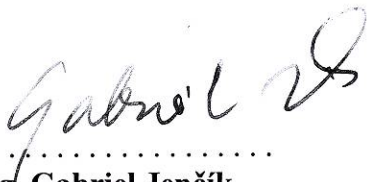
Data exchange from the monitoring

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 Komárom on 12 August 2008.



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



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