

Z á p i s n i c a

z osobitného rokovania vládnych delegácií Slovenskej republiky a Maďarskej republiky pre rokovania o implementácii rozsudku Medzinárodného súdneho dvora v Haagu vo veci Sústavy vodných diel Gabčíkovo - Nagymaros, konaného 30. apríla 2009 v Bratislave

1. Vedúci delegácií vlád Slovenskej republiky a Maďarskej republiky pre rokovania o implementácii rozsudku Medzinárodného súdneho dvora v Haagu v spore o projekte Sústavy vodných diel Gabčíkovo - Nagymaros, Ing. Gabriel Jenčík a Dr. György Erdey, spolu so zástupcami oboch strán pred Medzinárodným súdnym dvorom JUDr. Drahoslavom Štefánkom a Dr. Istvánom Gerelyesom uskutočnili za účasti právnych expertov 30. apríla 2009 v Bratislave osobitné rokovanie podľa bodu 3 Zápisnice z rokovania vládnych delegácií konaného 19. marca 2009 v Bratislave. Zoznam účastníkov rokovania obsahuje *Príloha č. 1*.
2. Strany rokovali o obsahu spoločného vyhlásenia, ktoré sa má predložiť Medzinárodnému súdnemu dvoru v Haagu. Dňa 28. apríla 2009 maďarská strana zaslala svoj návrh pod názvom „Joint Statement of the Agent of the Republic of Hungary and the Agent of the Slovak Republic on the state of Affairs in the Case Concerning the Gabčíkovo - Nagymaros Project“. Návrh maďarskej strany obsahuje *Príloha č. 2*.
3. Slovenská strana ústne predniesla svoje predbežné stanovisko a návrhy k maďarskému návrhu. Strany sa dohodli na tom, že slovenská strana zašle návrh doplnenia textu maďarskej strane do 15. mája 2009. Strany sa budú usilovať o to, aby spoločné vyhlásenie zaslali Medzinárodnému súdnemu dvoru v Haagu do 30. júna 2009.
4. Táto zápisnica je vyhotovená v slovenskom jazyku a v maďarskom jazyku a jej obe znenia majú rovnakú platnosť. Zápisnica obsahuje dve prílohy, ktorá tvoria jej neoddeliteľnú súčasť.

V Bratislave 30. apríla 2009



.....
Dr. György Erdey
vedúci vládnej delegácie
Maďarskej republiky



.....
Ing. Gabriel Jenčík
vedúci vládnej delegácie
Slovenskej republiky

Členovia slovenskej a maďarskej vládnej delegácie na osobitnom rokovaní vládnych delegácií Slovenskej republiky a Maďarskej republiky pre rokovania o implementácii rozsudku Medzinárodného súdneho dvora v Haagu vyneseného vo veci Sústavy vodných diel Gabčíkovo - Nagymaros, konanom 30. apríla 2009 v Bratislave

Zoznam členov slovenskej delegácie

Ing. Gabriel Jenčík, vedúci delegácie, splnomocnenec vlády SR pre výstavbu a prevádzku Sústavy vodných diel Gabčíkovo-Nagymaros
JUDr. Drahoslav Štefánek, zástupca Slovenskej republiky pred Medzinárodným súdnym dvorom v Haagu, Ministerstvo zahraničných vecí SR,
JUDr. Metod Špaček, vedúci Pracovnej skupiny pre právne otázky, Ministerstvo zahraničných vecí SR,
Ing. Anna Majkútová, poradkyňa podpredsedu vlády SR
JUDr. Luděk Krajhanzl, právny expert
RNDr. Zoltán Hlavatý, PhD., expert, Konzultačná skupina Podzemná voda
Ing. Ondrej Hoffman, tlmočník

Zoznam členov maďarskej delegácie:

Dr. György Erdey, vedúci delegácie, Ministerstvo pre ochranu životného prostredia a vodné hospodárstvo MR
Dr. György Kovács, hlavný odborný poradca, Ministerstvo pre ochranu životného prostredia a vodné hospodárstvo MR
Dr. István Gerelyes, zástupca Maďarskej republiky pred Medzinárodným súdnym dvorom v Haagu, Ministerstvo zahraničných vecí MR
Judít Csóka, hlavná odborná poradkyňa, Ministerstvo pre samosprávu a územný rozvoj MR
Dr. Gábor Bartus, expert pre otázky ekonomiky životného prostredia
Dr. Boldizsár Nagy, medzinárodnoprávny expert
Pál Benyo, tlmočník

***Joint statement of the
Agent of the Republic of Hungary and the Agent of the Slovak Republic on
the state of affairs in the Case Concerning the Gabčíkovo-Nagymaros Project***

Hungarian Proposal

1. The meeting of the Agents of the Republic of Hungary, Deputy Director István Gerelyes and the Slovak Republic, Drahoslav Stefanek with the then President of the International Court of Justice, Judge Rosalyn Higgins on 26 January 2009 led to the conclusion that the Court would welcome a brief joint statement reflecting the intentions of the Parties to the longest pending case in the docket. This agreed statement serves to purpose of informing the Court about progress made in the implementation of the Judgment in the Case Concerning the Gabčíkovo-Nagymaros Project on 25 September 1997, delivered on 25 September 1997 and on the plans of the parties concerning the future.

I. Brief history of the events between 1997-2009

2. Following the Judgement of the International Court of Justice Parties have started negotiations on the implementation of the modalities of the Judgment in autumn of 1997 and initialled a text of a draft agreement in the spring of 1998 which was subsequently not signed by them.
3. On 3 September 1998 Slovakia submitted a request for an additional Judgment. Hungary has duly filed the written statement of its position by 7 December 1998 as requested by the Court. No further move has been taken in the pending case as the Parties have in a joint letter informed the Court that on 27 November 1998 they resumed their negotiations. The Court on 14 December 1998 in its response acknowledged the receipt of that letter and requested to be kept informed by the Parties. Accordingly, the Court has been duly informed of all negotiation rounds and the agreed minutes adopted at them by the Agents of the Parties. Additionally both Parties maintain websites which make the results of their negotiations accessible to the public (www.bosnagymaros.hu; www.gabcikovo.gov.sk).
4. Between 1998 and 2002 seven meetings of the Governmental Delegations were held as well as nine consultations at expert level. In December 1999 the Hungarian Party handed over its proposal with a pack of technical documentations and a Draft Agreement envisaging the implementation of the Judgment. The Slovak response to this proposal was handed over to the Hungarian Party in December 2000. On 5 June 2001 the Parties agreed on the need of further negotiations on the revised Draft Agreement of 1999 prepared by the Hungarian Party and presented to the Slovak Party on 2 April 2001. They were also in agreement on the necessity of negotiations in expert groups to solve specific issues and for this reasons they established a legal and a technical expert group on 29 June 2001.
5. Following elections in both countries which took place in 2002 Parties exchanged written documents. After having restructured the institutional background responsible for the negotiations on the Hungarian side, negotiations on governmental level were

resumed on 13 April 2004, at which Parties agreed to continue their negotiations on the commenced expert level, bearing in mind that both Parties were to become full members of the European Community on 1 May 2004. A third expert group dealing with economic questions was established at this meeting.

6. The three expert groups entrusted with the elaboration of the modalities of the implementation of the Judgment had several rounds of negotiations, exchanged a great number of working documents but finally could not reach agreement on the technical interventions or on the legal and economic issues pending between the Parties. Their closing reports were adopted at the meeting of the Governmental Delegations on 5 October 2006.
7. Negotiations continued at the governmental level. The Slovak Party submitted a new Draft Agreement with limited scope on 6 December 2006, to which the Hungarian Party responded in February 2007 with its proposals amending the text. Further documents concerning the wide divergence of the views of the Parties were exchanged in 2007. Because of the fact that in the meantime Parties have agreed to carry out a joint - so called - Strategic Environmental Assessment (SEA), for the duration of the SEA they keep suspended negotiations on the documents concerning the Draft Agreement. This is stated in the Agreed Minutes of the meeting of the governmental delegations on 19 March 2009.
8. The main field of progress since 2006 is the joint Strategic Environmental Assessment, the implementation of which was decided on the meeting of the Governmental Delegations on 19 December 2006. The preparatory working group for the joint SEA was set up at the 7 March 2007 meeting of the delegations. The SEA working group has elaborated the Statute of the Steering Group (and thereby the task of itself), which was formally adopted at the meeting of the Governmental Delegations on 12 August 2008.
9. 2009 is the year of the elaboration of the joint Strategic Environmental Assessment.

II. The Parties' intentions concerning the future

10. At the moment the Parties attach great hope to the Strategic Environmental Assessment. Their expectations are reflected in the description of the tasks of the Steering Committee of that assessment:

„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.”

11. Parties have agreed that *„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”*.
12. Therefore the Republic of Hungary and the Slovak Republic are of the shared opinion that any move concerning their case pending in front of this respected Court would be premature right now. The outcome of the joint Strategic Environmental Assessment will guide their further steps. They are in agreement that in charting their road to the longer term future they are willing to rely on the advice and contribution of the Court, whichever form it will take when the time comes.

Budapest and Bratislava, 30 April 2009.

István Gerelyes
Agent of the Republic of Hungary

Drahoslav Stefanek
Agent of the Slovak Republic