

Communication to the Aarhus Convention Compliance Committee

I. Information on correspondent submitting the communication

Full name of submitting person:

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I am contact person to the secretary of ACCC – *attached (1) List of names English*
I want to make sure we are no party or NGO, we are just natural persons. I am in contact with some of the persons who have sent or will send submissions in pure despair searching for help to ACCC, but I am not in contact with all people. They simply use the submissions of our website.

II. Party concerned:

Czech Republic

III. Facts of the communication

1) There is no correct participation in EIA Temelin 3+4 possible for German citizens.

There is no hearing in Germany. The official hearing for Germany is in Ceske Budejovice in Czech Republic. Czech people can participate in their own language, we do get translation. There should be an equivalent access to the procedure for the public in a transboundary procedure - equivalent in this case means relatively easy access to a public hearing, similarly easy as for Czechs to go to Ceske Budejovice. There should be no discrimination on the basis of citizenship, nationality or domicile. When German citizens get only the possibility to come to Ceske Budejovice, there is a clear act of discrimination in comparison with Czech citizens on the basis of citizenship, nationality or domicile. *Attached - (2) Information_Passau_Anhörung Budweis German*
www.reaktorsicherheit.bayern.de

The hearing is taking place on Friday, 2012/06/22. We are forced to go to Czech Republic and we are forced to take two or three days of holidays because Ceske Budejovice is not easy to go to from Germany. But Ceske Budejovice is easy to reach by Czech citizens. German citizens have to travel 5 to 6 hours even from the North of Bavaria, from Hamburg for example very much longer. But Hamburg is a possible affected area by an INES 7 case of an NPP. Also by plane Ceske Budejovice is difficult to reach. Participation in Ceske Budejovice Temelin 3+4 hearing is therefore very expensive for us. For example: I have to stay two nights in Ceske Budejovice, but I do not even know if I am allowed to go into the hall, whether it will be overcrowded, whether I will be allowed to participate with a single written line we will be allowed to write or whether we will be allowed to participate in another way. I do not know anything. Also I have asked Mr Evzen Dolezal from MZP Praha several times. Will I have to go home without having participated? Also one single day for a hearing may be too short. *Attached (3) Evzen Dolezal_MZP English*

IV. Nature of alleged non-compliance

The communication concerns a public case of rights of access to information, public participation or access to justice being violated as a result of conformity of the legal situation in the Czech Republic and Germany has not been previously verified with the UN Aarhus Convention, the Espoo Convention and the EU Directives. There should be an equivalent access to the procedure for the public in a transboundary procedure - equivalent in this case means relatively easy access to a public hearing, similarly easy as for Czechs to go to Ceske Budejovice. There should be no discrimination on the basis of citizenship, nationality or domicile. When German citizens get only the possibility to come to Ceske Budejovice, there is a clear act of discrimination in comparison with Czech citizens on the basis of citizenship, nationality or domicile.

V. Provisions of the Convention relevant for the communication

Aarhus 3(9)

Within the scope of the relevant provisions of this Convention, **the public shall have access to information, have the possibility to participate in decision-making** and have access to justice in environmental matters **without discrimination as to citizenship, nationality or domicile** and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

VI. Use of domestic remedies or other international procedures

We were told by Government, there is no possibility to call the courts
www.reaktorsicherheit.bayern.de

Since 2011/09/26 we are demanding our rights in several uncounted attempts. We did it on our own and together with many local parliaments. We asked the German Government and the European Commission. *Attached - (4) Temelin Resolution German/ (5) Letter (List) to Mr Barroso German/ (6) Letter to Mrs Merkel German*

I asked Mr Necas myself. I asked Mr Seehofer, the Bavarian Prime Minister. I asked Mrs Merkel. I informed the European Commission. *Collected - Attached in German (7/7a/7b)*

Since 2012/03/15 the Bavarian Government decided - after a public demonstration - to change its mind and asked the German Government for a hearing in Germany.
Attached - (8) Bavarian Government German

Results: None

VII. Confidentiality

No confidentiality necessary.

VIII. Supporting documentation (copies, not originals)

- *Relevant national legislation, highlighting the most relevant provisions.*

Attached - (9) Laws English

Aarhus 3(9): Within the scope of the relevant provisions of this Convention, **the public shall have access to information, have the possibility to participate in decision-making** and have access to justice in environmental matters **without discrimination as to citizenship, nationality or domicile**

and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

Espoo 2(6): The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities **and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.**

EIA Directive 85/337/EC, art. 7(5). The detailed arrangements for implementing this Article may be determined by the Member States concerned and shall be such **as to enable the public concerned in the territory of the affected Member State to participate effectively in the environmental decision-making procedures** referred to in Article 2(2) for the project.

- *Decisions/results of other procedures.*

Sorry, I do not know any.

- *Any other documentation substantiating the information provided under VII.*

None

- *Relevant pieces of correspondence with the authorities.*

Please find attached. Sorry, most of them in German (2- 12)

III- Attached (2) Information_Passau_Anhörung Budweis German

III – Attached (3) Evzen Dolezal_MZP English

IV- Use of domestic remedies or other international procedures

Attached

(4) Temelin Resolution German

(5) Letter(List) to Mr Barroso

(6) Letter to Mrs Merkel

Personal Letters to

Mr Necas,

Mr Seehofer, the Bavarian Prime Minister,

Mrs Merkel,

The European Commission.

Collected – Attached in German (7/7a/7b)

Bavarian Government 2012/03/15 -Bavarian Government refused to ask the EU Commission for an infringement procedure but asked the German Government for a hearing in Germany.

Document attached

(8) Bavarian Government German

(9) 20120320_Minister_Huber_EU-Recht_Temelin.pdf

VIII. Supporting documentation (copies, not originals)

Attached - (10) Laws

IX. Summary

Attached (12) Karte Bürgerbeteiligung

IX. Summary

Attach a two to three-page summary of all the relevant facts of your communication.

Attached - (11) summary of relevant facts

These are the facts, why I/we cannot participate.

I cannot participate in EIA Temelin 3+4 because there is no hearing in Germany.

1. Since 2011/09/26 we are demanding our rights in several uncouncted attempts. We did it on our own and together with many local governments. We asked Mr Necas via the German Government and we asked the European Commission.
2. I did ask Mr Necas, Mrs Merkel, Mr Seehofer, the Bavarian Prime Minister, the European Commission.
3. Since 2012/03/15 – after a big demonstration in the Bavarian province of Mitterteich on Fukushima Remembrance Day, the Bavarian Government decided to change its mind and asks via the German Government and the European Commission. Results of all those attempts: None.

I asked for further information on the negotiation results, especially the time and place of public hearing in Germany or in Ceske Budejovice.

4. I've been told by the Environment Ministry of Bavaria to look at his website (www.reaktorsicherheit.bayern.de).
5. There I learned the hearing in Ceske Budejovice will start at 10 o'clock in the Sporting Hall. There will be translation. There will be security efforts. No program of the day or instructions what procedure will be used to let me participate.
6. There is no program available, but we do need one for our logistic planning, I do not know how long this hearing will take, will it be continued the next day or not, are we allowed to speak or are we only allowed to write a single line, a lot of unanswered questions.
7. I asked Mr Evzen Dolezal of MZP Praha to answer my questions some time ago with no answer yet. Did it 2012/05/26 a second time. No answers yet.
8. Czech citizens get a hearing in Czech language and easily accessible, also German citizens - including me – should get an official hearing in our own language and easily accessible in Germany.
9. Also disabled citizens have to be integrated according to the UN Convention of Civil Rights.

No public hearing in Germany is provided and no public participating is possible as demanded by

1. UN Aarhus Convention 3 (9)
2. ESPOO 2 (6)
3. European EIA Directive 85/337/EC art. No 7 (5)

The proposed "non-discriminating participation" to the process is not given.

Only the border district offices (Cham, Freyung-Grafenau, Hof, Neustadt an der Waldnaab, Passau, Regen, Schwandorf, Tirschenreuth, Wunsiedel) and cities (Hof, Passau and Weiden/Oberpfalz) were and are informed by the Bavarian Government to participate in EIA and provides information for the public, similar situation in Saxony. Attached (12) Karte Bürgerbeteiligung

There is no public participation by official channels in the rest of the FRG, missing is also the official hearing in FRG.

1. There is no public communication in newspapers or anything else, except what we have been able to forward. No NGOs, no Parties supported us or do inform the people from the beginning at 2012/05/07. Only messages could be found on the official websites of the ministries and border-councils. Nobody is searching for, because nobody knows it.

There was only a 30 days period offered.

1. For some reasons the period was extended from 2012/05/07 to 2012/06/18.
2. A 60 days period was given in 2010.
3. The EIA report includes more than 2000 pages. How can a normal person, living a real life, read all those information within 30 or 45 days?

CEZ makes a black box process, a secret process.

1. The reactor will be chosen secretly without public information on July 02, 2012.
2. I will not know at the hearing on 2012/06/22 what type of reactor will be chosen
3. All those documents will remain secret.
4. I cannot inform me. I cannot participate. My rights are not given to me.

The conformity of the legal situation in the Czech Republic and Germany has not been previously verified with the EU Directives and the UN Aarhus Convention and the Espoo Convention.

We already asked the European Commission for an infringement procedure as normal persons alone and together with quite a few local parliaments. The EIA must be carried out in coordination with existing international and European law. I could not participate in a correct way.

Czech Republic's independent experts have counteracted the German public submissions of 2010 in an intolerable manner. The experts wrote for example:

1. A city 200 miles away will not be affected by an INES 7 case, because within of 7 days there will only be an evacuation of 700 meters (in another answer 800 meters). No more evacuations are planned.
2. The possibility of an airplane crashing into the planned NPP is absolutely unthinkable.
3. Therefore we need a hearing in German in Germany to clear those questions.

I am/we are clearly discriminated.

Ausbau Atomkraftwerk Temelin:

Kein Interesse an Gutachten

<http://www.euroherz.de/default.aspx?ID=4355&showNews=1168094>

Für die Gegner des Atomkraftwerks Temelin ist diese Meldung vermutlich eine Ohrfeige. Denn Niemand hat bisher das seit Anfang Mai in den Landratsämtern ausliegende Gutachten eingesehen.

Die Nachrichtenagentur dpa hatte nach eigenen Angaben die Landratsämter entlang der bayerisch-tschechischen Grenze abgefragt, darunter auch die in Wunsiedel und Hof.

Das Expertengutachten sei fachlich sehr speziell, mit fast 1500 Seiten sehr umfangreich und für den Normalbürger eigentlich unlesbar, versuchte ein Sprecher vom Weidener Umweltamt das fehlende Interesse zu erklären.

In zwölf Landratsämtern und kreisfreien Städten von Hof bis Passau liegt das Gutachten noch bis zum 18. Juni aus. Das AKW Temelin soll bekanntlich mit zwei weiteren Reaktorblöcken ausgebaut werden.

Translation:

Expansion of nuclear power plant Temelin:

No interest in reports

For the opponents of the Temelin nuclear power plant this message is probably a slap in the face, because no one has yet been seen in the district offices to study the Temelin report.

The German news agency had requested the information according to its own district offices along the Bavarian-Czech border, including in Wunsiedel and Hof.

The expert opinion is very professionally designed, with almost 1500 pages of very extensive and for the average citizen really unreadable, a spokesman of the council of tried to explain the lack of interest.

In twelve district offices and towns of Passau to Hof the report can be read until 18 of June. The Temelin nuclear power plant is planned to be expanded with two more reactor units.

The reason, why nobody is interested, is simply because nobody is informed neither in the few border districts involved by the government nor in the rest of Germany by press, radio or TV. And the few persons, we were able to reach, read the report at the website of the ministry. *“The expert opinion is very professionally designed...”* This professional designed report tells us, evacuations are planned in case of an Ines 7 case in between 7 days in a radius around 700 meters of the reactor. In another case in the same report evacuations are planned around 800 meters. The press is telling us, it is a slap in our face because nobody wants to see the report in the border-councils. But our Governments are not informing anybody. There is no hearing, no possibility to go to court. There is only an information-event in the city of Passau in 2012/06/12. We have to register, if we want to go to and listen. Only native Germans are allowed to go to. No other people from other nations. We do not know, whether we will be allowed to participate that day or not. We do have no rights to go to court. We are discriminated. It is a shame. We could not participate and millions do not even know they should participate. It is a shame.

X. Signature

The communication should be signed and dated. If the communication is submitted by an organization, a person authorized to sign on behalf of that organization must sign it.

Marktredwitz 2012/05/31

Brigitte Artmann

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Place, date

Signature

XI. Address

Please send the communication by email AND by registered post to the following address:

To
Secretary to the Aarhus Convention
United Nations Economic Commission for Europe
Environment and Human Settlement Division
Room 332, Palais des Nations
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