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ECONOMIC COMMISSION
FOR EUROPE

Environment Division
Bureau 332
Palais des Nations
CH-1211 Geneva 10
Switzerland

Phone: +41-22-917 3294
Fax: +41-22-917 0630
E-mail: public.participation@unece.org
Website: www.unece.org/env/pp

16 August 2012

Ms. Marie Petrová
Ministry of the Environment
65, Vršovická
10010 Prague 10, Czech Republic

Dear Ms. Petrová,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the Czech Republic with provisions of the Convention in connection with non-discrimination and public participation in the decision-making for the Temelin nuclear power project (Ref. ACCC/C/2012/71)

On 31 May 2012, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the Czech Republic with the provisions of the Convention on non-discrimination and public participation in the decision-making process for the Temelin nuclear power project. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

The communication has been registered under the symbol ACCC/C/2012/71, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

The Compliance Committee, having considered the admissibility of the communication at its thirty-seventh meeting (26-29 June 2012), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter (i.e. by 16 January 2013), any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the meantime.

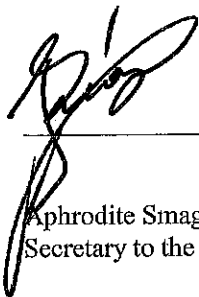
Additionally, in order to facilitate further consideration of the communication, the Committee invites you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, you are encouraged to avoid

submitting to the Committee excessive documentation which is not strictly relevant to the allegations of non-compliance. In providing your response, please note that you should explicitly comment on the communication itself and the allegations contained therein, as well as addressing the questions raised by the Committee.

In a letter to the communicant, a copy of which you will receive for your information, the Committee has invited the communicant to address several questions. You are welcome to respond to those question, if you so wish.

Please do not hesitate to contact the secretariat if you have any questions,

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Czech Republic to the United Nations Office and international organizations in Geneva
Ms. Brigitte Artmann, Kreisrätin/Kreisvorsitzende, Die Grünen

Encs. Communication ACCC/C/2012/71
Preliminary determination on admissibility
Datasheet on the communication

ANNEX

Questions to the Party concerned

- 1) Please provide details about the decision-making procedure concerning the Temelin nuclear power project (NPP). Please also specify: at which stage is the project currently? Has the final construction and operation permits been issued?
- 2) Is there an arrangement between the Czech Republic and Germany (and possibly other neighbouring States) under the Espoo Convention concerning the Temelin NPP?
- 3) How do you consider that you have complied with article 3, paragraph 9, of the Convention, with respect to participation of members of the public from Germany in the decision-making regarding the Temelin NPP?
- 4) Please provide evidence, if any, for having ensured the opportunity to the public in the areas likely to be affected by the NPP to participate in relevant decision-making procedures regarding the proposed activity.

Were the opportunities provided to members of the public affected in the Czech Republic the same, as those provided to members of the public affected in neighbouring countries, such as in Germany?

- 5) Is the documentation related to the decision making on Temelin NPP available in the languages official in neighbouring States (where the members of the public may be affected by the undertaken activity Temelin NPP in the Czech Republic) or at least in English? Is it accessible in all States likely to be affected by the Temelin NPP construction?

