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Ref: ACCC/C/2012/71

11 April 2013

Marie Petrová  
Ministry of the Environment  
65, Vršovická  
100 10 Prague 10, Czech Republic

Brigitte Artmann  
Kreisrätin/Kreisvorsitzende  
Bündnis 90/Die Grünen  
KV Wunsiedel  
Am Frauenholz 22  
95615 Marktredwitz, Germany

Dear Ms. Petrová, Dear Ms. Artmann,

**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 (ACCC/C/2012/71)**

On behalf of the Aarhus Convention Compliance Committee, I would like to thank the participants in the discussion of the above referenced communication at the fortieth meeting of the Compliance Committee (Geneva, 25-28 March 2013).

The report of the meeting, including information concerning the discussion on the communication at issue, will be shortly accessible at the following link <http://www.unece.org/env/pp/ccMeetings.htm>.

You may recall that during the discussion of the communication, the Committee requested you to submit some additional information, as detailed in the questions annexed to the present letter. You are invited to reply to the questions as soon as you can, but no later than **20 May 2013**. In providing your responses, please address the questions of the Committee in a brief and explicit manner and provide the text of the relevant supporting documents in English.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,

Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Czech Republic to the United Nations Office and other international organizations in Geneva

## Annex Questions

### To the Party concerned:

1. Describe the public participation steps under Czech law. With respect to the project at issue (Temelin), at which stage of the decision-making process has the outcome of public participation (including and not limited to written comments, comments during the hearing in Ceske Budejovice, and comments submitted from neighbouring countries relevant to the project.) been taken into account? Or, if no so yet, at which stage of the decision-making process will the outcome of public participation be taken into account?
2. The public submitted comments concerning the environmental impact assessment (EIA) report. Have the outcomes of these submissions been incorporated into the final EIA report, or will they be reflected in the statement of reasons published together with the final decision at a later stage? What are the requirements under national law?
3. It was mentioned during the discussion with the Committee on 26 March 2013, that during hearings organized in the context of the EIA procedure, the law requires that the order of interveners is as follows: first responsible authorities, then municipalities, and last members of the public (which justified why at the hearing in Ceske Budejovice, members of the public had the opportunity to intervene in the afternoon, while the hearing had started at 10am). Please provide (in English) the relevant provision of the Czech law.
4. It was mentioned during the discussion with the Committee on 26 March 2013, that technology-related information, including the type of reactor to be used for the project, was not available to the public during the EIA procedure. If correct, could you please explain how you consider the non-disclosure of such information to be in compliance with the Convention?
5. Are there any amendments projected under Czech law with respect to access to justice according to the Aarhus Convention? Please also refer to amendments introduced further to the infringement proceedings brought by the European Commission in 2006 for failure of the Czech Republic to fulfill its obligations under European Union law, and explain whether these relate to standing of natural persons.
6. What are the provisions under Czech law concerning standing for physical (including foreign) persons to initiate a court review procedure against a development consent decision, issued after the conclusion of the EIA procedure? Can the review application be based on both procedural and substantive grounds? Does the law provide for injunctive relief (suspensory effect or preliminary injunction) upon submission of the review application?
7. What are the possibilities (conditions) under Czech law for physical (including foreign) persons to challenge acts and/or omissions of involved authorities at each stage of the decision-making process (zoning, building, EIA, etc). Please provide details in particular with respect to the decision-making for the Temelin nuclear power project.
8. Please provide some information about the German/Czech Commission (*Deutsch-Tschechische Kommission* (DTK)) on issues of common interest related to nuclear safety and radiation protection, its establishment (i.e. under a bilateral agreement), nature, purpose and objectives, and functions. In addition, is the information processed and produced by the DTK available to the public? Are the meetings open to the public? In its deliberations, does the Commission consider comments from the public in Germany and the Czech Republic?

### To the communicant:

1. In your communication and also in your oral submissions during the discussion with the Committee on 26 March 2013, you mentioned that technology-related information, including the type of reactor to be used for the project, was not available to the public during the EIA procedure. Do you allege that this would constitute non-compliance of the Party concerned with the Convention and on the basis of which provisions of the Convention?