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UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

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14 October 2010

Mr Pavel Cerný
Head of Legal Programme
Ekologický právní servis (Environmental Law Service)
Dvůrákova 13
602 00 Brno
Czech Republic

Dear Mr. Cerný,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the Czech Republic with provisions of the Convention in connection with access to justice in particular (Ref. ACCC/C/2010/50)

We refer to the above referenced communication, which you submitted on 14 June 2010 for the consideration of the Committee and to our letter of 1 July 2010 informing you about the outcome of the twenty-eighth meeting (15-18 June 2010) of the Committee with respect to the communication. At its twenty-ninth meeting (21-24 September 2010), the Compliance Committee, having considered the admissibility of the communication, 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.

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>.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your responses 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 allegation of non-compliance.

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: Mr. Tomas Kazmierski, Director, Department of Environmental Education, Ministry of the Environment, the Czech Republic
Permanent Mission of the Czech Republic to the United Nations Office and other International Organizations in Geneva

Encs. Preliminary determination on admissibility
Datasheet on the communication

ANNEX - Questions to the communicant

1. Please elaborate on your allegation of non-compliance with regard to article 3, paragraph 1, of the Convention. This allegation appears only in the summary of your communication.
2. Please provide specific examples and references to illustrate your allegations in paragraphs 12, 13, 20, 26, 76 and 80 of the communication.
3. At paragraph 12 of the communication, you state that “the EIA statement is an obligatory basis for subsequent decision-making procedures, which must be reflected (but not necessarily respected) in the development consent decisions.” Could you provide a translation in English of the regulatory provisions, if any, in support of this statement?
4. Please clarify your allegation in paragraphs 32-33 of the communication. Do you think that the public concerned has not access to documentation, as required by article 6, paragraph 6? Or do you mean that the public concerned has restricted access to review procedures under article 9, paragraph 2?
5. Could you specify the link of the case example 1 (below para. 36 of the communication) with the Aarhus Convention? Please focus on specific provisions of the Convention that you allege as having been contravened.