

Ms. Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe

Comments on the Draft findings and recommendations with regard to Communication ACCC/C/2012/70, Czech Republic

Communicant: Frank Bold Society, former Ekologický právní servis/Environmental Law Service
Údolní 33, 602 00 Brno,
Czech Republic

On 11 November 2013 the communicant received the Draft findings and recommendations of the Aarhus Convention Compliance Committee with regard to its communication concerning compliance by the Czech Republic with provisions of the Convention.

The communicant hereby provides following comments to the Draft findings:

1. The communicant agrees with the conclusions presented in the Draft findings.
2. Further, the communicant welcomes the reference made in para.68 concerning the European Union. The communicant acknowledges the complexity of decision-making in a multi-level structure, such as the one between the EU and its Member States, and would like to stress that situations as the one covered by the present Communication (scenario in which in the decision making on a particular issue, a Member state is involved as well as the EU which provides the final decision on the issue) are not unique. For instance, the process of preparation and adoption of the so-called “Transitional National Plans” under the Industrial Emissions Directive 2010/75/EU¹ is currently pending and similarly to the preparation and adoption of the National Investment Plan under Directive 2003/87/EC, both Member States and the European Commission are involved in the process.
3. In connection to particular sections of the Draft findings, the Communicant wishes to provide minor comments with proposal for rephrasing.

In para.41 of the Draft findings, the Communicant proposes to include further information (in italics) “the only possibility for members of the public to provide comments *on basic questions such as whether to apply or not for this option and in what extent* is during the national consultations and before the approval by the Government, but not when the decision reaches the next level of decision-making with the European Commission”.

In para.43 of the Draft findings, the Communicant proposes to include further information (in italics), “The documentation was available on the web site for almost one month *before submitting it to the European Commission,*”.

Kristína Šabová,
On behalf of Frank Bold Society

In Brno, on 6 December 2013

¹ For basic reference see: <http://ec.europa.eu/environment/air/pollutants/stationary/ied/faq.htm>.