

## ACCC/C/2012/70 (Czech Republic) – comments to Draft findings

We would like to thank the Aarhus Convention Compliance Committee for the opportunity to comment on the Draft Findings concerning compliance by the Czech Republic with provisions of the Aarhus Convention in relation to the preparation of the application to the European Commission for free allocation of allowances, including the National Investment Plan (ACCC/C/2012/70).

We hereby acknowledge the Committee Findings and we take due notice of the Recommendations. We do not raise any objections to the Committee making a recommendation in accordance with paragraph 35 of Decision I/7. The Czech Republic is of course aware of its obligations under article 7 of the Aarhus Convention and will seek to act in compliance with them where those obligations apply.

However, regarding the content of the Draft Findings, we attach below two remarks.

1. We believe that the wording of paragraph 55 of the Draft Findings might be rather misleading for future cases and its revision should be therefore considered. It is true that the end of August is a time when many people in the Czech Republic might go on holidays, however it should be noted that the period during which people traditionally take their summer holidays in Czech Republic lasts from the beginning of July till the end of August (the period of school holidays). Regarding that the 'traditional holiday period' last for two months, we find the assertion that "*not much is expected to happen*" during these two months period rather exaggerated. Additionally, as there are no public holidays in the end of August it seems to us that the reference to paragraph 92 of the Committee findings with regard to Communication ACCC/C/2008/24 concerning Spain is not entirely appropriate.

2. Not contesting the Committee's Findings and acknowledging the errors in the formal consultation procedure, the Czech Republic would like to underline the fact that the comments submitted by public were not neglected during the preparation of the Plan. The comments were taken into account during the procedure carried out by the Commission as is clearly evidenced by the Commission decision from 6 July 2012 approving the application and the Plan (decision C(2012) 4576).

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