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ECONOMIC COMMISSION
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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 public participation and the implementation of the 2013 EU Emissions Trading System (Ref. ACCC/C/2012/70)

On 9 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 public participation in relation to the implementation of the 2013 rules on EU Emissions Trading System. 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/2012/70, 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.

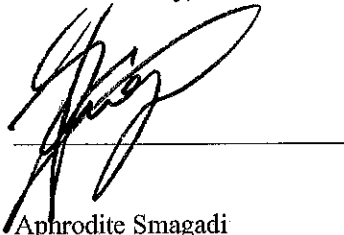
Additionally, in order to facilitate further consideration of the communication, the Committee invites you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, 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. Kristína Šabová, Ekologický právní servis, Brno, Czech Republic

Encs. Communication ACCC/C/2012/70

Preliminary determination on admissibility

Datasheet on the communication

ANNEX

Questions to the Party concerned

- 1) The communicant provides information about public consultations carried out for the Application and the National Investment Plan (p. 4 of the communication). Is there a national framework for the conduct of public consultations, as required by the EU, in cases other than the EIA and SEA processes (which in your view were not applicable in the present case). If yes, please provide an English translation of this framework/rules to the Committee.
- 2) Please explain whether the period of one week, from 19 to 26 August 2011 constitutes “reasonable time frames” for effective public participation.
- 3) Please provide information on how many comments the Czech authorities received after the end of the consultation period? And how these comments were taken into account? (if possible, substantiate your answer with the relevant documentation/tables recording all comments received and whether/how they were considered).
- 4) In its attempts to appeal the Government’s approval of the Application/Plan, the communicant received a response that due to its legal nature, this was not subject to appeal. Could you please elaborate on this matter, referring to the applicable legislation?
- 5) Has the European Commission considered the Czech application and the National Investment Plan yet ? Was there any request from the European Commission yet?

