



Reg. No.: 5788/2015 in file No. 2512-2015

Greenpeace Slovensko
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DECISION No. 586/2015

The Chairperson of the Nuclear Regulatory Authority of the Slovak Republic (hereinafter only as the “ÚJD SR”) as the second instance administrative authority under Section 19 par. 2 and Section 22 par. 1 of the Act No. 211/2000 Coll. l. on free Access to information and on amendments to certain laws (Freedom of Information Act) as amended and pursuant to Section 30 par. 1 sub-par. b) of the Act No. 71/1967 Coll. on administrative procedure (Administrative Code) as amended (hereinafter only as the “Administrative Procedure“)

discontinues the proceedings No. 4731/2015 in the case of filed remonstration dated 20 January 2010 delivered to ÚJD SR on 21 January 2010 against the ÚJD SR Decision on non-disclosure of information No. 325/2009 dated 14 December 2009 (No. k. 2819/130-107/2009).

Justification

Civic association Greenpeace Slovakia (hereinafter only as the “applicant“) with its request dated 2 December 2009 asked for disclosure of the document *Preliminary Safety Report of NPP Mochovce Units 3&4* (hereinafter only as “PSR“). With its Decision No. 325/2009 dated 14 December 2009 ÚJD SR did not acquit this request and the document was not made available to the applicant. On 20 January 2010 the applicant filed a remonstration

against this decision that was rejected by the Chairperson of ÚJD SR with the Decision No. 39/2010 dated 1 February 2010 and confirmed the first instance decision No. 325/2009.

On 1 April 2010 the applicant filed an action against the decision on rejecting the remonstrations. The Supreme Court of the Slovak Republic with its judgement No. k. 3SŽi/22/2014 dated 9 June 2015, becoming valid on 6 July 2015, confirmed the judgement of the Regional Court in Bratislava No. k. 3S 142/2010-212 dated 14 May 2013 (hereinafter only as the “Judgement of the Regional Court in Bratislava”), annulling the ÚJD SR Decision No. 39/2010 and the case was returned for further proceeding.

On the basis of this fact ÚJD SR announced to the applicant and his legal counsel with a letter No. 4731/2015 dated 22 July 2015 opening of a new remonstrations procedure for the provision of PSR, while pointing out for the applicant that the current situation is different from the one in 2013, when the judgement of the Regional Court in Bratislava became valid.

Given the financial, personnel and time-consuming demands of this request ÚJD SR invited the applicant to consider the possible reduction of the required content of PSR, bearing the costs of preparing the required documentation or persisting on the original request from 2009.

Abovementioned letter also included in the proceeding as another party Slovenské elektrárne, a. s., whereas pursuant to Section 14 par. 1 of the Administrative Code it fulfils the conditions to be a party to the proceeding (being the author of PSR).

Since only Slovenské elektrárne, a. s. sent its response to the call from ÚJD SR with a letter No. SE/2015/056386 dated 4 August 2015, registered as record No. 5048/2015, ÚJD SR sent a letter No. 5102/2015 dated 7 August 2015 again to the applicant and asked for statement regarding the facts contained in letter No. 4731/2015, and also regarding the fact, who in this appellate procedure acts on behalf of the applicant and at the same time sending the above mentioned statement by Slovenske elektrárne, a. s.

On 27 August 2015, ÚJD SR received the withdrawal of the applicant’s remonstrations, registered as record No. 5503/2015, pursuant to Section 54 par. 4 of the Administrative Code.

Subsequently ÚJD SR, satisfying the requirement of Section 30 par. 1 sub-par. b) of the Administrative Code, informed by letter No. 5522/2015 dated 31 August 2015 Slovenské elektrárne, a. s. as the other party to the proceeding on this fact and invited it to comment this submission. Slovenské elektrárne, a. s., letter No. SE/2015/063137 dated 8 September 2015, registered as record No. 5730/2015, agreed with the withdrawal of the remonstrations.

Given the above, the Chairperson of ÚJD SR decided as stated in the operative part of this Decision.

According to Section 30 par. 3 of the Administrative Code, this Decision is only marked in the file and will not be sent to the parties to the proceeding.

Guidance

Pursuant to Section 30 par. 2 of the Administrative Code this Decision is final and cannot be appealed (remonstrated). After the effect of this Decision, this Decision can be reviewed by a court in accordance with Section 247 et seq. Act No. 99/1963 Coll. Civil Procedure as amended, within two months of receipt of the decision of the administrative authority in the last instance.

Bratislava, on 11 September 2015

Marta Žiaková

Chairperson of ÚJD SR