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To: aarhus compliance <aarhus.compliance@unece.org>
Cc: "pm geneva' (pm.geneva@mzv.sk)" <pm.geneva@mzv.sk>
Date: 31/03/2017 10:08
Subject: RE: ACCC/C/2013/89 (Slovakia) - communicant's comments of 27 February 2017

Dear Ms. Marshall,

On behalf of the Government of the Slovak Republic, I would like to inform you that we welcome and [appreciate](#) the Compliance Committee decision not to consider comments sent by the communicant on 27 February 2017 regarding the Party concerned's comments of 25 July 2016 on the Committee's draft findings and also not to take it into account in Compliance Committee's future decision-making procedure.

I would like to state that also in our view Global 2000 sent its comments too late after seven months since the Compliance Committee had officially forwarded request to the Party concerned and the communicant to send comments to the draft findings and recommendations dated 27 June 2016 without sufficient reasoning and support by any new important documentary evidence proving that comments are based on truth. We also agree with the fact that this is over the traditional procedures before the Compliance Committee pursuant to paragraph 34 of the annex to decision I/7 and also Guide to the Compliance Committee.

The Slovak Republic declares that fully stands by its statements sent to the Compliance Committee before and also on 25 July 2016. We assume that after a detailed examination of the statement and the evidence, the Compliance Committee's members identify that all facts of the communication were provided by the Slovak Republic as the Party concerned in an objective and very transparent way supported by the concrete and legally binding evidence which are all also publicly available on UNECE webpage to the communication ACCC/C/2013/89.

I would like to very briefly highlight some important facts:

The documentation required for the licensing procedure was available to the general public from 15 October 2013 until 30 November 2013 in the Information Centre of the Nuclear Power Plant Mochovce, not only for the local authorities and Greenpeace Slovakia. All the parties to the proceeding must be treated equally without discrimination and their rights and legally protected interests has to be respected in the proceeding and defended in the same way. It cannot discriminate against or on the contrary, to favour any party.

NRA SR was legally bound by the legal opinion of the Supreme court judgement 3Sž/22/2014 and was prepared to meet all the requirements in the new proceedings in great detail, which the court stated in the legally binding judgement, as well as to follow the instructions for its fulfilment contained in the grounds of the judgement which was also in accordance with the Aarhus Convention. This was a reasonable opportunity for Greenpeace Slovakia based on domestic remedy to achieve publishing documentation in appropriate way and in accordance with the Aarhus Convention, because NRA SR was legally obliged by the Supreme Court's judgement 3Sž/22/2014 to take the necessary administrative steps. Greenpeace Slovakia for this withdrawal argued in general that it is ineffective spending of money to obtain 7,000 pages of documentation, but the amount was not specified in any way. There is no document where Greenpeace Slovakia would request making calculation of cost for making the copies.

We only for your information draw the attention to the fact that on the NRA SR website (www.ujd.gov.sk) the price list for making copies and sending information is publicly available. Based

on this price list for a two-sided copy of A4 the price is Euro 0.03 and for one sided copy of A4 Euro 0.02.

<http://www.ujd.gov.sk/ujd/www1.nsf/viewByKeyMenu/Sk-xx-06-03-01>

<http://www.ujd.gov.sk/ujd/www1.nsf/viewByKeyMenu/En-xx-06-03-01> English version

Furthermore if the cost of making copies or creating data medium due to the requested scope does not reach the value of Euro 6.64, then making and distribution of copies is free of charge and no reimbursement is required from the party. From this follows that for 7,000 pages, both sided, Greenpeace Slovakia would pay approx. Euro 200. Collecting adequate reimbursement for the cost of making copies or other data carriers is facilitated directly by Article 4 par. 8 of the Aarhus Convention.

We would be grateful if the Compliance Committee could prepare final findings and recommendations based on all facts and evidence provided by the Party concerned and also the communicant in a fair way.

Kind regards,

Tatiana Tökölyová

Slovak National Focal Point to the Aarhus Convention

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