

Nuclear Regulatory Authority of the Slovak Republic  
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Greenpeace Slovakia  
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Your number / date: 7.10.2013, 11.10.2013  
Our number: 6855/2013  
Processed by: Mr. Pospíšil, tel.: 58 22 11 17

Bratislava, 14.10.2013

Subject: Request for disclosure of documentation in the case of completion of Mochovce in Bratislava, at the office of the Nuclear Regulatory Authority (Bajkalská 27) – decision

On 07. 10. 2013 the Nuclear Regulatory Authority of the Slovak Republic (hereafter referred to as the “NRA SR”) received an e-mail consisting of the actual text of the electronic message and attached a scanned application signed by Mgr. Pavel Široký, in which Greenpeace Slovakia demands access to documentation concerning the authorization of changes in construction before finishing NPP MO 34 in the repeated procedure at [the offices of] the NRA SR Bajkalska 7 in Bratislava.

To the electronic message described in the previous paragraph was added on 11.10.2013 another electronic message, in which Greenpeace Slovakia asks for further details concerning the access to documentation. In response to this electronic message a response was sent with the notice of all the information appearing on the website of NRA SR.

Given the fact that Greenpeace Slovakia on 26.08.2013 as party took notice of the initiation of the repeated decision procedure no. 5589/2013, it is essential that a message delivered by electronic mail has to be considered as a submission (opinion) of the party in the ongoing administrative proceedings. The electronic message dated 7.10.2013 was officially registered at the NRA SR on 08.10.2013 under no. 6777/2013 and forwarded to the legislative-legal department, acting as the Appellate Division in the proceedings. On 11.10.2013 the electronic message dated 11.10.2013 was officially registered under no. 6845/2013 and passed on to the legislative-legal department.

Greenpeace Slovakia made both the above submissions exclusively by electronic means, but not signed with a certified electronic signature. According to § 19 paragraph 1 of the Act. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Act), as amended, filing can be done in several ways. For both submissions a purely electronic form was chosen, but without the certified electronic signature, whereby attached scanned signed documents fall outside the parameters of a certified electronic signature. When such filing has to result in procedural effects, a confirmation in paper form or orally should be submitted to the administration within three days, that is before 10.10.2013. However, Greenpeace Slovakia has not made such a procedural act within the statutory period and in the prescribed manner and thus the electronic filing has to be ignored (as if not made) and thus can not cause any procedural or substantive effects.

From a procedural point, NRA SR further points out that from earlier documentation that has been submitted in this entire case, it shows that the power of attorney for the entire procedure was

granted to Mgr. Eva Kováčechova, Lawyer, Comenius 21 Banská Bystrica. NRA SR did not record to date an official repeal of this power of attorney. The above mentioned electronic filing, however, was carried out on behalf of Greenpeace Slovakia by Mgr. Pavol Široký. Together with the submission, the administration has not received any credible evidence that Mgr. Pavol Široký is a statutory body of Greenpeace Slovakia, resp. that the statutory authority of this civic association granted Mgr. Pavol Široký powers to act on behalf of Greenpeace Slovakia or an individual power of attorney for individual acts.

According to § 17 paragraph. 2 and 3 of the Administrative Code a legal person acts through its organs or through a representative. Power of attorney also can be shown with written documents or statements in the minutes. In the present case this has not been proved by either of these, ie. nor whether Mgr. Pavol has broad statutory authority, nor whether its statutory organs have granted him power of attorney,

Despite these procedural defects, in general NRA SR states that information on the possibility to consult the documentation in the Information Centre of Mochovce was already subject to a notice of initiation of the repeated decision procedure of 21.08.2013, which Greenpeace Slovakia received on 26.08.2013 and in which nothing has changed. This communication was in unchanged form also published on the website of the NRA SR, on the electronic notice board of NRA SR, the websites of the municipality Kalna nad Hronom and Novy Tekov and in paper form on the official notice board at Kalna nad Hronom and Novy Tekov.

More information on the process of access to documentation is available on the website of the NRA SR, but these data are only giving further details about the already given information in the notice of initiation of the repeated decision procedure of 21.08.2013. The location of access to the files directly at the Mochovce NPP was chosen due to the limited space capacity of the NRA SR offices in Bratislava and in particularly on the grounds that it may be possible for Greenpeace Slovakia to expect increased interest from the public of Kalna nad Hronom and New Tekov because the construction of MO 34 runs takes place on the the land area of these municipalities.

With greetings,

JUDr. Martin Pospíšil  
Director department  
legislative-legal