

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee
Palais des Nations, Room 429-4
CH-1211 GENEVA 10
Switzerland

July 25, 2016

Re: Comments from Communicants to the ACCC's Draft Findings for C-89 (Slovakia)

Dear Ms. Marshall,

First off, we would like to thank the ACCC for their Draft Findings in ACCC/C/2013/89 (Slovakia). We welcome their conclusions.

We would still like to express some disappointment as to the ACCC's discussion on the issues of electronic access and injunctions, and regarding the conclusion that the procedure as carried out by UJD was sufficient given the earlier conclusions that the main problem was a missing EIA. This procedure was not public participation in environmental issues, but only related to safety.

We also regret that the ACCC did not share our views regarding the slowness of court procedures. In particular, with regard to paragraph 87 of the Draft Findings, we still maintain that administrative judicial procedures in Slovakia are indeed lengthy, especially at the Regional Court in Bratislava (as it resolves all the cases against ministries and other central administrative authorities) and at the Supreme Court. For the length of the administrative procedures see e.g. The 2016 EU Justice Scoreboard, according to which time needed to resolve administrative cases (figure 6) in Slovakia was about 750 days in 2012 and 2013 and a few days below 500 in 2014.

With regard to the ACCC's observation in paragraphs 36 and 69, that we, the communicants, did not appeal decision No. 761/2013, we would like to explain that, pursuant to Section 55, paragraph 3 of the Administrative Code, it is not allowed to appeal the decision on excluding suspensive effect of the appeal.

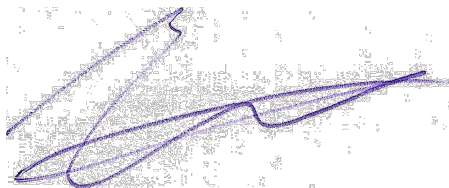
As to paragraph 88 and the following paragraphs pertaining to injunctive relief, we would like to inform the ACCC that Slovakia adopted a completely new Administrative Judicial Procedural Code, which is in force since 1 July 2016. The provisions of injunctive relief are changed and seem to be more favorable to parties to the proceedings (including the public). Therefore, there is a hope that the problem of injunctive relief might no longer be such a big obstacle to access to justice. However, only case law will show whether it works in practice.

Thank you for this opportunity to provide comments on the ACCC's Draft Findings in this case.

Best regards,

Eva Kovacechova, VIA IURIS

Jan Haverkamp, Greenpeace

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Reinhard Uhrig, Global 2000 (Friends of the Earth Austria)

A handwritten signature in blue ink, appearing to be 'Reinhard Uhrig', written on a light gray grid background.