From:	thomas.alge@oekobuero.at
To:	jiri.jerabek@greenpeace.at; aarhus compliance; Aphrodite.Smagadi@unece.org; Fiona Marshall
Cc:	juraj.rizman@greenpeace.org; jan.haverkamp@greenpeace.org; kovacechova@kovacechova.sk; reinhard.uhring@global2000.at; patrizia.lorenz@foeeurope.org; Tina Rametsteiner; julia.kerschbaumsteiner@greenpeace.org
Subject:	ACCC/C/2013/89 and 41 Slovakia
Date:	26/09/2013 15:39
For Follow Up:	Urgent Priority.

Dear secretariat,

this is just to inform you that the intervention below is also relevant for case 41.

Best wishes,

Thomas Alge

Thomas ALGE
Director
OEKOBUERO - Coordination Office of Austrian Environmental Organisations
Justice and Environment
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Von: jiri.jerabek@greenpeace.at [mailto:jiri.jerabek@greenpeace.at]
Gesendet: Donnerstag, 19. September 2013 18:00
An: aarhus compliance; Aphrodite.Smagadi@unece.org; Fiona Marshall
Cc: juraj.rizman@greenpeace.org; jan.haverkamp@greenpeace.org; kovacechova@kovacechova.sk; reinhard.uhring@global2000.at; patrizia.lorenz@foeeurope.org; Tina Rametsteiner; julia.kerschbaumsteiner@greenpeace.org; thomas.alge@oekobuero.at
Betreff: ACCC/C/2013/89Slovakia

Dear secretariat,

hereby we are sending further information regarding the latest development in the Mochovce case (ACCC/C/2013/89Slovakia).

As already noted in the previous email by Thomas Alge from 22/8/2013, in July 2013 the Slovakian Supreme Court ruled in favour of Greenpeace Slovakia, ordering that the procedure to authorise the expansion of the nuclear power plant Mochovce (reactors 3 and 4) should be repeated.

Nonetheless, to avoid the suspension of the building works the Slovakian Nuclear Supervisory Commission

subsequently issued a notice ordering the annulment of the suspensive effect of the original appeal filed by Greenpeace. According to them, the nuclear power plant Mochovce fulfils two criteria that allow for an exception with respect to this suspensive effect. These are the urgent public interest of the nuclear power plant and the irreparable damages that would follow if the building works were to stop or be interrupted. However, Greenpeace is of the opinion that neither of these criteria are met in this case. Moreover, the suspensive effect prevents Greenpeace from performing its right to intervene with the procedure in a stage and manner, when it is actually possible to affect the result. These rights are guaranteed by the Aarhus Convention in Art. 6. Each day of the continuation of the building works Greenpeace is losing possibilities to perform its rights guaranteed by the Administrative Code and Aarhus Convention. Greenpeace Slovakia therefore filed a petition against the notice of the Slovakian Nuclear Supervisory Commission with the Slovakian Attorney General on 9 September 2013. The English translation of the petition is attached.

The Slovakian Nuclear Supervisory Commission also issued, on August 21, in a reaction on the Supreme Court ruling, a second notice (attached) that recognizes Greenpeace as one of the parties in the administrative building permit procedure. The whole project documentation will be available for the permit procedure parties (incl. Greenpeace) in the period of October 15 till November 30 at the information centre of the Mochovce power plant. The latter date is also the deadline for submission of any views and comments by the parties. Greenpeace is currently examining this decision. One is clear; the Slovakian Nuclear Supervisory Commission has not reacted on the part of the ruling of the Supreme Court that is requiring an EIA process (page 15 of the ruling).

Sincerely

Jiri Jerabek
Regional Climate & Energy Campaign Co-ordinator
Greenpeace Central and Eastern Europe
jiri.jerabek@greenpeace.at

Attachements:

1. Oznamenie.PDF – Slovakian Nuclear Supervisory Commission noto on reopening the permit procedure, in Slovak. Also available online at: http://www.ujd.gov.sk/files/Aktuality/Oznamenie.PDF

2. 130909_Greenpeace_Attorney General_GPSR_ENG.pfd – petition by Greenpeace to the Attorney General, in English

3. 5Szp-21-2012,Mochovce.pdf – ruling of the Slovak Supreme Court in electronic text version(previous version that ACC got was a scan), in Slovak