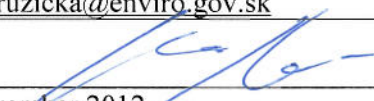


Implementation Report

The Slovak Republic submits the Implementation Report in accordance with the decision IV/9e on compliance by the Slovak Republic registered under reference No. ECE/MP.PP/2011/L.16 adopted at the fourth session of the Meeting of the Parties to the Aarhus Convention in the light of the findings and recommendations of the Compliance Committee Aarhus Convention to the case ACCC/C/2009/41/Slovakia

Name of officer responsible for submitting the Implementation report	JUDr. Róbert Ružička Head of the Legal Services and Appeals Department Ministry of the Environment of the Slovak Republic robert.ruzicka@enviro.gov.sk
Signature:	
Date:	30 November 2012

Details on the origin of the Implementation Report

Party	Slovak Republic
National Focal Point	
Full name of the institution:	Ministry of the Environment of the Slovak Republic Legal Services and Appeals Department
Name and title of officer:	Mgr. Tatiana Plesníková
Postal address:	Nám. L. Štúra 1, 812 35 Bratislava
Telephone:	+421 2 5956 2436
Fax:	+421 2 5956 2031
E-mail:	tatiana.plesnikova@enviro.gov.sk
Experts for legal consulting:	<p>JUDr. Tatiana Tökölyová Ministry of the Environment of the Slovak Republic Legal Services and Appeals Department tatiana.tokolyova@enviro.gov.sk</p> <p>RNDr. Gabriel Nižňanský Ministry of the Environment of the Slovak Republic Environmental Impact Assessment Department gabriel.niznansky@enviro.gov.sk</p> <p>Legislation Department Ministry of the Environment of the Slovak Republic</p> <p>JUDr. Martin Pospíšil Nuclear Regulatory Authority of the Slovak Republic Division of Legislation and Legal Affairs Martin.Pospisil@ujd.gov.sk</p>

I. PROCESS BY WHICH THE IMPLEMENTATION REPORT HAS BEEN PREPARED

Brief information on the process by which the Implementation Report has been prepared

The report has been prepared by the Ministry of Environment of the Slovak Republic in cooperation with special branch organizations (Legislation Department, Environmental Impact Assessment Department) and state administration central bodies (Nuclear Regulatory Authority of the Slovak Republic) that provided updated documentation from the point of view of their competence necessary for preparing the submitted report. The relevant comments were incorporated upon consultations with the entities addressed.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE IMPLEMENTATION REPORT

The Aarhus Convention, that entered into force in the Slovak Republic on 5 March 2006, is in the competence of the Ministry of Environment of the Slovak Republic. The Aarhus Convention became part of the national legal system by being published in the Collection of Acts of the Slovak Republic under No. 43/2006 Coll.

The first national report on the Aarhus Convention implementation was sent to the Secretariat in 2008 and the second national implementation report in 2011.

The submitted Implementation Report has been prepared under the obligations of the Slovak Republic as the party of the Aarhus Convention and in accordance with the decision IV/9e on compliance by the Slovak Republic, registered under reference No. ECE/MP.PP/2011/L.16, endorsed and adopted by the Parties at the fourth session of the Meeting of the Parties to the Aarhus Convention (MOP 4) on 27 June – 1 July 2011 in Chisinau.

The fourth session of the Meeting of the Parties to the Aarhus Convention, acting under paragraph 37 of the annex to its decision I/7 on the review of compliance, taking note of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2011/11 and Add.3) with regard to a case concerning public participation in the decision-making for the construction of the Mochovce NPP – ACCC/C/2009/41/Slovakia:

- 1. Endorsed the findings and recommendations of the Compliance Committee that the Party concerned, the Slovak Republic, by failing to provide for early and effective public participation in the decision-making leading to the decisions by the Slovak Nuclear Regulatory Authority (hereinafter referred to as „SNRA“) 246/2008, 266/2008 and 267/2008 of 14 August 2008 concerning the Mochovce NPP, failed to comply with article 6, paragraphs 4 and 10, of the Aarhus Convention;*
- 2. Recommends that the Slovak Republic review its legal framework so as to ensure that early and effective public participation is provided for in decision-making when old permits are reconsidered or updated or the activities are changed or extended compared to previous conditions, in accordance with the Aarhus Convention;*
- 3. Invites the Slovak Republic to submit to the Committee a progress report on 1 December 2011 and an implementation report on 1 December 2012 on achieving the recommendation above;*

4. Requests the Aarhus Convention Secretariat and invites relevant international and regional organisations and financial institutions, to provide advice and assistance to the Slovak Republic as necessary in the implementation of the measures mentioned;
5. Undertakes to review the situation at the fifth session of the Meeting of the Parties to the Aarhus Convention.

Considering the non-confrontational, non-judicial and consultative nature of the findings and recommendations of the Compliance Committee (Article 15 of the Aarhus Convention; recalling the letter of Veit Koester, the Chair of the Compliance Committee of 25 February 2011 addressed to the Slovak Minister of the Environment), the Slovak Republic has taken note of these findings and recommendations and declared this fact at the Working Party on International Environment Issues (meeting of European Union member states) in Brussels on 25 May 2011.

The Slovak Republic, as above mentioned, submitted the Progress Report to the Aarhus Convention Secretary on time i.e. 1st December 2011 (**Report of the Compliance Committee on its 35 meeting**, 13 – 16 December 2011, V., par. 37: “With respect to decision IV/9e (Slovakia), the Committee reviewed the progress report, which had been received on time.”); **Report of the Compliance Committee on its 36 meeting**, 27 – 30 March 2012, V., par. 57: “With regard to decision IV/9e (Slovakia), the Committee welcomed the comprehensive report submitted by the Party.” and **Report of the Compliance Committee on its 37 meeting**, 26 – 29 June 2012, IV., par. 49: “With regard to decision IV/9e (Slovakia), the Committee welcomed the additional information submitted by the Party concerned on 3 and 22 May 2012, and noted that the communicant had not commented on the Party’s report. It agreed that it would review the situation, after it had received the implementation report due by the Party concerned on 1 December 2012.”), as well as in the **Report of the Compliance Committee on its 38 meeting**, 25 – 28 September 2012, IV., par. 49.

III. MAIN FINDINGS OF AARHUS CONVENTION COMPLIANCE COMMITTEE CASE ACCC/2009/41/Slovakia

At its thirtieth meeting, held on 14 – 17 December 2010 in Geneva, the Aarhus Convention Compliance Committee (hereinafter referred to as „Compliance Committee“) concluded the case ACCC/C/2009/41/Slovakia, concerning public participation in decision-making process for building proceedings on the change before completion of the construction of the Mochovce Nuclear Power Plant (hereinafter referred to as „Mochovce NPP“) and endorsed the findings which were sent by the letter of 13 January 2011 to the Slovak Republic through the Slovak National Focal Point for the Aarhus Convention:

Main findings with regard to non-compliance

The Committee finds that by failing to provide for early and effective public participation in the decision-making leading to the 2008 UJD Decision 246/2008, Decision 266/2008 and Decision 267/2008 of 14 August 2008 concerning Mochovce NPP, the Party concerned failed to comply with article 6, paragraphs 4 and 10, of the Convention (para. 64).

**IV. LEGISLATIVE, REGULATORY AND OTHER MEASURES OF THE SLOVAK
REPUBLIC, LEADING TO EFFECTIVE REMEDY PREJUDICE TO ARTICLE 6,
PARAGRAPH 4 AND 10 OF THE AARHUS CONVENTION ON PUBLIC PARTICIPATION
IN DECISIONS ON SPECIFIC ACTIVITIES**

The source material, referring to the submitted Implementation report is the Progress report, sent to the Secretariat of the Aarhus Convention on 1 December 2011. The Implementation report is updated and supplemented in accordance with the latest facts in the legislative as well as non-legislative framework and elaborated on the basis of involved stakeholders information sources.

The required measures were realised by the implementation to national law. The amended legislation is described in the following sections of the presented report:

Mentioned article 6 of the Aarhus Convention Public participation in decisions on specific activities:

Article 6

Public participation in decisions on specific activities

1. Each Party:

(a) Shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I;

(b) Shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in annex I which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions; and

(c) May decide, on a case-by-case basis if so provided under national law, not to apply the provisions of this article to proposed activities serving national defence purposes, if that Party deems that such application would have an adverse effect on these purposes.

2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, inter alia, of:

a) The proposed activity and the application on which a decision will be taken;

b) The nature of possible decisions or the draft decision;

c) The public authority responsible for making the decision;

d) The envisaged procedure, including, as and when this information can be provided:

i) The commencement of the procedure;

ii) The opportunities for the public to participate;

iii) The time and venue of any envisaged public hearing;

iv) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;

v) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and

vi) An indication of what environmental information relevant to the proposed activity is available; and

(e) The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.

3. The public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public in accordance with paragraph 2 above and for the public to prepare and participate effectively during the environmental decision-making.

4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.

5. Each Party should, where appropriate, encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit.

6. Each Party shall require the competent public authorities to give the public concerned access for examination, upon request where so required under national law, free of charge and as soon as it becomes available, to all information relevant to the decision-making referred to in this article that is available at the time of the public participation procedure, without prejudice to the right of Parties to refuse to disclose certain information in accordance with article 4, paragraphs 3 and 4. The relevant information shall include at least, and without prejudice to the provisions of article 4:

a) A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;

b) A description of the significant effects of the proposed activity on the environment;

c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;

d) A non-technical summary of the above;

e) An outline of the main alternatives studied by the applicant; and

f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concerned shall be informed in accordance with paragraph 2 above.

7. Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity.

8. Each Party shall ensure that in the decision due account is taken of the outcome of the public participation.

9. Each Party shall ensure that, when the decision has been taken by the public authority, the public is promptly informed of the decision in accordance with the appropriate procedures. Each Party shall make accessible to the public the text of the decision along with the reasons and considerations on which the decision is based.

10. Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied *mutatis mutandis*, and where appropriate.

11. Each Party shall, within the framework of its national law, apply, to the extent feasible and appropriate, provisions of this article to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Legislation amendments in accordance with implementation of the article 6 par. 4 and 10 Aarhus Convention:

Act No. 24/2006 on environmental impact assessment as amended,

Act No. 543/2002 on nature and landscape protection as amended,

Act No. 541/2004 on peaceful use of nuclear energy (Atomic Act) and amending some other Acts as amended.

Based on the recommendations of the Compliance Committee, especially „the recommendation that the Slovak Republic review its legal framework so as to ensure that early and effective public participation is provided for in decision-making when old permits are reconsidered or updated or the activities are changed or extended compared to previous conditions, in accordance with the Aarhus Convention“, as well as in accordance with the decision IV/9e on compliance by Slovakia registered under the reference No. ECE/MP.PP/2011/L.16 adopted at the fourth session of the Meeting of the Parties to the Aarhus Convention, the Slovak Republic has reviewed and is reviewing the legal framework since March 2010 and has carried out the following amendments to the legal instruments concerning public participation in decision-making processes:

- *Act 287/2009 amending the Act 24/2006 on environmental impact assessment and amending some other Acts as amended (hereinafter referred to as „the EIA Act“)*
- *Act 145/2010 amending the EIA Act*
- *Act 408/2011 amending the EIA Act (entering into force on 1 December 2011)
The Act 408/2011 also amends the Act 543/2002 on nature and landscape protection in the area of providing for public participation in decision-making and access to justices in environmental matters.*
- *Act 117/2010 amending the Act 543/2002 on nature and landscape protection as amended and amending the Act 24/2006 on environmental impact assessment and amending some other Acts as amended*
- *Act 350/2011 amending the Act 541/2004 on peaceful use of nuclear energy (Atomic Act) and amending some other Acts as amended*
- *Act 258/2011 on permanent storage of carbon dioxide in the geological structures and amending some other Act*

The amendments 287/2009, 145/2010 and the latest amendment 408/2011 are the most substantial from the point of view of the public participation in decision-making.

The objective of these amendments was to gradually harmonise the rights of the public concerned with the European legislation and relevant international conventions.

*The amendments, mentioned above, have specified precisely the term of the public concerned both for the natural and legal persons. As regards the provisions on public concerned, the restricting conditions have been dismissed (e.g. the number of persons/members of civic initiative) and the spectrum of administrative proceedings, where the civic initiative, civic association and non-governmental organisation can be a party to subsequent permitting procedures, has been extended. This is **the most important extension of the rights of the public** that is interested in taking part in decision-making on environmental matters so that it has sufficiently efficient instruments to promote their*

requirements, so that it is notified of reasons of a refusal of such requirements and so that it has an opportunity to question the decision at a court. Both natural and legal persons should have an open access to the court, being one of the pillars of the Aarhus Convention.

Provisions affected:

The latest amendment **408/2011** in article 6a defines the participation of the public concerned in assessment of strategic documents and their rights.

In article 24, which lists particular categories falling under the term of the public concerned, provisions have been added for the legal person, specifying legal persons in general in article 24b and specifically non-governmental organisations promoting protection of the environment in article 27, for which a specific condition applies according to which they are not obliged to prove their interest in the decision.

Insertion of article 24b has specified conditions for participation of a legal person in the environmental impact assessment process and subsequent permitting procedures.

Article 26 has specified conditions for participation of a civic association in the environmental impact assessment process and subsequent permitting procedures.

A new article 27b has been inserted which summarises particular rights of the public concerned.

Paragraph 65b, par. 2 provides for public participation in decision-making procedures for those projects, where environmental impact assessment process finished before 30.4.2010, but the development consent has not been issued, yet.

6a

Participation of the public concerned in the assessment of strategic documents

(1) The public concerned in the assessment of strategic documents means the public which is interested or having an interest in the preparation of strategic documents before their approval.

(2) The public concerned in the assessment of strategic documents includes

- a) a natural person older than 18 years,
- b) a legal person,
- c) a civic initiative pursuant to paragraph 3.

(3) The civic initiative means natural persons older than 18 years who sign a common position to a draft strategic document. The civic initiative identifies itself by a signature document which includes name, surname, permanent residence and year of birth and signature of the persons supporting the common position.

(4) A plenipotentiary of the civic initiative authorised to act on behalf of the civic initiative and to receive documents is a natural person who is listed in the signature document as a plenipotentiary. If such a data is missing or is unclear, the plenipotentiary of the civic initiative is the natural person listed in the signature document on the first place.

(5) The public concerned in the assessment of strategic documents has the right to take part in the preparation and assessment of a strategic document up to the approval of the strategic document, including the submission of a written position pursuant to article 6 paragraph 6, article 8 paragraph 7, article 12 paragraph 2, participation in consultations and public hearing on a strategic document.

Footnote 9b) shall read:

“9b) E.g. the Act 83/1990 on associations of citizens as amended, the Act 147/1997 on non-investment funds and amending the Act of the National Council of the Slovak Republic 207/1996 as amended, the Act 213/1997 on non-profit organisations providing public services as amended, the Act 34/2002 on foundations and amending the Civil Code as amended.”

Article 24

The public concerned is the public that is interested or having an interest in environmental decision-making procedures. The public concerned includes in particular

- a) a natural person pursuant to article 24a,*
- b) a legal person pursuant to article 24b or article 27,*
- c) a civic initiative pursuant to article 25,*
- d) a civic association promoting environmental protection pursuant to article § 26.*

Article 24b

A legal person, who submits a written position pursuant to article 23 paragraph 4, article 30 paragraph 5, or pursuant to article 35 paragraph 3, showing that such a legal person is interested in a decision, will be in the subsequent permitting process under special law in a position of a party in the proceedings. Such a legal person is considered to be a public concerned whose right to a favourable environment may be affected by the decision. The legal person, registered in the Commercial Register or in a similar register, shall submit to the competent authority an extract from such a register, not older than three months, together with submission of the written position.

Article 26

A civic association established under special law for the purpose of environmental protection, which submits a written position pursuant to article 23 paragraph 4, article 30 paragraph 5, or pursuant to article 35 paragraph 3, will be in the subsequent permitting process under special in a position of a party in the proceedings. A civic association shall submit to the competent authority a document on registration of such a civic association together with submission of a written position. Such a civic association is considered to be a public concerned for the purposes of this Act whose right to a favourable environment may be affected by the decision.

Article 27b

The public concerned referred to in article 24 has a right to

- a) actively participate in the preparation and permitting of the proposed activity in the entire assessment process up to issuance of a decision on permission of a proposed activity, including submission of a written position pursuant to article 23 paragraph 4, article 35 paragraphs 2 and 3,*
- b) participate in the subsequent permitting procedure when conditions laid down in articles 24 to 27 are fulfilled,*
- c) submit comments pursuant to article 30 paragraph 5,*
- d) participate in consultations and the right to take part in public hearing on the proposed activity.*

Article 65b

Transitional provisions for regulations effective from 1 December 2011

(1) The provision of article 65 paragraph 3 does not apply to assess the impact of strategic documents that were subject to preparation and approval from 21 July 2004 to 31 January 2006. Strategic Assessment of the effects of such documents shall be made in accordance with the law effective from 1 December 2011. Assessment of the effects of strategic documents that were subject to preparation and approval before 21 July 2004 and were approved by more than 24 months from 21 July 2004 shall be made only if the competent authority on a proposal from the contracting authority decides to assess the impact of the strategy documentation is feasible. The competent authority shall publish its decision on the Ministry web site.

(2) If the written statement pursuant to article 23 paragraph 4, article 30 paragraph 5 or article 35 paragraph 3 cannot be given because the process of assessing environmental impacts under this Act was completed by 30 April 2010, involved the public pursuant to articles 24a and 24b is a participant in the subsequent licensing procedure, if during the licensing process submitted a written statement, which shows its interest in the decision and the interested public pursuant to article 25, articles 26 and 27, the participants follow the authorization procedure by special legislation, if during the licensing process submitted a written statement.

With the respect of the relevant facts mentioned above it is clear, that at all stages of assessment in accordance with the EIA Act public is allowed to become familiar early with the activity proposed and give its opinion on it.

The national legislation in the area of impact assessment shall ensure the participation of public in the decision-making process from its beginning (e.g. from the day of the notification of activity), i.e. at the time when all alternatives are open (accordance with article 6 of the Aarhus Convention).

V. PROCESS OF LEGISLATIVE MEASURES IN IMPLEMENTATION OF ARTICLE 6 OF THE AARHUS CONVENTION

Brief description of recorded legislative measures in implementation of article 6 of the Aarhus Convention

All amendments to the Act 24/2006 on environmental impact assessment and amending some other acts as amended were prepared and approved in accordance with applicable legislative procedure in the creation and adoption of generally binding legal regulations, as follows:

- a) Constitution of the Slovak Republic (articles 86 and 87),*
- b) Act of National Council of the Slovak Republic No. 350/1996 Coll. on Rules of Procedure of the National Council of the Slovak Republic as amended (§ 67 to 97),*
- c) The legislative rules of the Government of the Slovak Republic adopted by the Government Resolution No 352/2010 as amended,*
- d) Resolution of the National Council of the Slovak Republic No. 19/1997 Coll. to the draft of legislative rules of law processing,*
- e) Directive for the preparation and submission of materials to the Government of the Slovak Republic proceedings,*

- f) *Guideline on the preparation and submission of materials to the Government of the Slovak Republic proceedings and*
g) *Rules of Procedure of the Government of the Slovak Republic.*

Proposals of amendments to the EIA Act, which were submitted to the National Council of the Slovak Republic as government bills, were the subject of regular inter-ministerial comments review and consultations with civic associations and institutions. The public had the opportunity to comment the legislative process and possibility to actively participate in the preparation of mentioned law. All public comments were timely and properly evaluated; in case of disagreement on the acceptance of substantial public comments contradiction proceedings were convened in accordance with the terms of the Legislative Rules of the Government with representatives of the public, in which all substantive comments were explained in order to achieve the consent on the final form of the law.

Act 287/2009 Coll. – During the inter-ministerial comments review 59 comments were applied including 15 principal comments. Contradiction procedure was undertaken with the Ministry of Economy, Ministry of Agriculture and Rural development, Ministry of Transport, Construction and Regional Development, Ministry of Finance, the Association of Municipalities of Slovakia, the Slovak Chamber of Mining, Volkswagen Slovakia.

Act 145/2010 Coll. - The subject of that amendment was consulted with the NGO VIA IURIS and it was also the subject of the working meeting of the Ministry of Environment and the European Commission representatives.

Act 408/2011 Coll. – During the inter-ministerial comments review 177 comments were applied including 30 principal comments. Contradiction procedure was undertaken with the Ministry of Transport, Construction and Regional Development, Ministry of Finance, NGO VIA IURIS, Žilina self-governing region, Bratislava city, Club 500, Federation of Employers' associations of the Slovak republic, Nuclear Regulatory Authority of the Slovak Republic, the Association of Entrepreneurs in Waste Management, Association of Construction Entrepreneurs of Slovakia and NGO Friends of the Earth.

Website addresses relevant to the article 6 Aarhus Convention:

<http://it.justice.gov.sk> (publicly accessible portal of legal regulations)

<http://www.minzp.sk/>

<http://www.zbierka.sk/>

<http://enviroportal.sk/>

<http://eia.enviroportal.sk>

<http://www.ujd.gov.sk>

VI. SUPPORT ACTIVITIES TO ACHIEVE AARHUS CONVENTION COMPLIANCE COMMITTEE RECOMMENDATIONS

Brief description of support activities

The Inter-ministerial working group dealing with public participation in decision-making and access to justice in environmental matters:

The management of the Ministry of the Environment of the Slovak Republic by the letter of the State Secretary No. 3190/2011-3 of 10 January 2011 initiatively established an Inter-

ministerial working group dealing with public participation in decision-making and access to justice in environmental matters.

Participants of the Inter-ministerial working group are representatives of a number of the central state administration bodies: Ministry of the Environment of the Slovak Republic; Ministry of Transport, Construction and Regional Development of the Slovak Republic; Ministry of Justice of the Slovak Republic; Ministry of Interior of the Slovak Republic; Ministry of Economy of the Slovak Republic and the Slovak Nuclear Regulatory Authority.

The themes discussed at sessions of the Inter-ministerial working group included a broad spectrum of issues related to the Aarhus Convention and its particular articles, especially the articles 6 and 9, as well as providing for effective and transparent public participation in decision-making and access to justice in environmental matters.

Communication with representatives of non-governmental organizations:

With regard to the letter of Greenpeace and Via Iuris, as well as with regard to the session of the Meeting of the Parties to the Aarhus Convention which, acting under paragraph 37 of the annex to its decision I/7 on the review of compliance, taking note of the report of the Compliance Committee and the corresponding addendum (ECE/MP.PP/2011/11 and Add.3) with regard to a case concerning public participation in the decision-making for the construction of the Mochovce NPP – ACCC/C/2009/41/Slovakia, and also of the recommendation of the Aarhus Convention Secretariat to invite relevant international and regional organisations and financial institutions to provide advice and assistance to the Slovak Republic as necessary in the implementation of the measures mentioned, the Ministry of the Environment of the Slovak Republic on 8 November 2011 organised a meeting of the representatives of the Ministry of the Environment of the Slovak Republic, the Slovak Nuclear Regulatory Authority and the developer (ENEL) with the representatives of the non-governmental organisations (Greenpeace Slovensko, Via Iuris, Za Matku Zem, Friends of the Earth Europe) on the findings and recommendations of the Aarhus Convention Compliance Committee concerning the case ACCC/C/2009/41/Slovakia, as well as to Progress Report preparation.

This meeting offered an adequate platform for the discussion and exchange of views among representatives of the non-governmental organisations, representatives of the state administration and the developer on the findings and recommendations of the Compliance Committee with regard to the case ACCC/C/2009/41/Slovakia. However, it is necessary to state that despite the legally-based arguments provided by the state administration representatives on the one hand and also by the non-governmental organisations on the other hand, there are still differing views on the subject in question.

VII. ADDITIONAL INFORMATION

A brief overview of additional information

1. In the Progress Report the Slovak Republic stated that „... based on the finding of the Compliance Committee the Slovak Republic – the Slovak Nuclear Regulatory Authority currently does not see in the legal instruments of the Slovak Republic nor in the law of the European Union any adequate procedural tool applicable to achieve a progress/remedy in the three decisions already issued, other than that the Slovak court decides on the cancellation of the decision and returns the case back to the administrative body, which had

issued the decision, for a new administrative procedure, or confirms the decision of the administrative body if illegality of the decision or procedure has not been detected. The Slovak Republic – the Slovak Nuclear Regulatory Authority has therefore to wait till an independent decision of the court in this matter.”

According to the above mentioned, we would like to note that the Regional Court in Bratislava has dealt with a case No. 4 S 125/09 concerning the review of the 2008 decisions and procedures by an administrative body (note the decisions by the Slovak Nuclear Regulatory Authority 246/2008, 266/2008 and 267/2008 of 14 August 2008) which authorized the change before completion of the construction Mochovce NPP 3, 4.

The Regional Court in Bratislava by its judgment dated 11 May 2012 dismissed Greenpeace Slovakia complaint versus the Slovak Nuclear Regulatory Authority to review the legality of the decisions of 2008, which authorized the change of construction before completion of NPP MO 3,4. On 2 July 2012 Greenpeace Slovakia has appealed against the judgment of the Regional Court in Bratislava dated 11 May 2012.

The Supreme Court of the Slovak Republic will decide on Greenpeace Slovakia appeal in the present case.

2. The Government of the Slovak Republic in order to involve in decision-making processes, the general public has adopted the following resolutions:

- **Resolution of the Government of the Slovak Republic No. 68 of 22 February 2012** to the draft of the concept of civil society development in Slovakia,
- **Resolution of the Government of the Slovak Republic No. 397 of 1 August 2012** on the proposal for the establishment of the Slovak Government Council for Nongovernmental- nonprofit organisations.

VIII. CONCLUSION

The Slovak Republic in the light of the findings and recommendations of the Compliance Committee, endorsed at the fourth session of the Meeting of the Parties to the Aarhus Convention, in accordance with the decision IV/9e on compliance by the Slovak Republic, registered under reference No. ECE/MP.PP/2011/L.16, hereby submits **the Implementation report** to the Secretariat of the Aarhus Convention, the Compliance Committee and the newly elected chair of the Compliance Committee Mr. Jonas Ebbesson, who became at the thirty-fourth meeting of the Compliance Committee a curator for the case ACCC/C/2009/41/Slovakia (see Report of the Compliance Committee on its thirty-fourth meeting – ECE/MP.PP/C.1/2011/8, V. par. 48).

The Slovak Republic concludes and declares that the Ministry of the Environment as the coordinator of the Aarhus Convention will continue to pay particular attention to the development of European legislation on this issue, to reflect changes and shifts in this area, not only actively cooperate with all relevant central government bodies, but also with environmental NGOs and will collectively find effective solutions that allow direct involvement of citizens in decision-making processes, and in accordance with the Manifesto of the Government of the Slovak Republic for the period 2012 - 2016 declaring that the Government will be open to all spheres of the Slovak society.