

Ms. Aphrodite Smagadi

Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment Division, Bureau 332
Palais des Nations, Av. De la Paix 10
CH-1211 Geneva 10

26. Juni 2013

MoP decision IV/9e Slovakia: Comments by NGOs

Dear Ms. Smagadi,

With regard to the statement of the Slovak government dated June 14 the former communicant GLOBAL 2000 together with the organisations that had been supporting the case VIA IURIS, Greenpeace Slovakia, Greenpeace CEE, Friends of the Earth Europe and OEKOBUEO comment as follows:

The Slovak Republic has still not answered the question how it is ensured that public participation takes place in cases where no EIA is carried out, as it was in the case of the NPP Mochovcce. The issue in the Mochovcce case was that no EIA took place before the permitting procedures and thus standing was denied. Therefore, the answer of Slovakia that public participation is ensured by EIA misses the point.

As to possibilities for the Slovak government to influence follow up procedures we would like to stress that the Nuclear Authority could have/should have and still can intervene in respective court procedures (Bratislava Court before 2011, Supreme Court until now) by making statements about the Aarhus Convention and that the ACCC interpretations and the MoP decision should be applied and considered when legally assessing the case. It is the discretion of the Court to decide. However, we would expect that clear position of the Nuclear Authority would have had some impact. We are not aware the Slovak government intervened in such a way in order to correctly apply the Convention.

Finally, with regard to referred Bratislava Court decision of March 2011: Slovakia states the Court dismissed the Greenpeace appeal. We want to stress again that the reason for the refusal was that Court denied the case falls under the Aarhus Convention, in stark contradiction to the ACCC decision and MoP decisions.

Best wishes,

A handwritten signature in blue ink, appearing to read "T. Alge".

Thomas ALGE
Director OEKOBUEO