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Cc:  
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Subject: Fw: Case 41 Slovakia: Information from the communicant

----- Forwarded by Aphrodite Smagadi/UNECE/GVA/UNO on 28/03/2012 18:35 -----

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Date: 28/03/2012 17:44  
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Dear members of the Compliance Committee,

This is a message on behalf of the communicant and its partners.

In Slovakia, nothing has changed since the MoP issued its decision on non compliance in Chisinau in June 2011. The completion of Mochovce 3,4 is still continuing without any changes. The investor has announced a one year delay of the completion, however, the new leading party SMER after the recent elections, which was actually in power in 2008 and 2009 when public rights were breached, stated a strong support for the Mochovce completion, without even taking notice of the ACCCs findings and recommendations.

Last year, the NGOs Via Iuris, GLOBAL 2000 (FoE Austria) and Greenpeace initiated a meeting with representatives of the Slovak Ministry of the Environment and the National Regulatory Authority, who represented the Slovak state in the ACCC complaint process. During this meeting, we asked the representatives for an explanation of how will they be dealing with the ACCC's findings and what steps will they take to rectify their error from 2008 in order to give the public the right to take part in the decision process.

Our legal representative, Eva Kovačechová, even suggested how it could be possible for ÚJD to cancel their permissions from 2008 and start a new, proper permitting process of the nuclear power plant.

Slovak representatives failed to acknowledge this is what the ACCC's findings mean and stated that only Slovak court can order such an action from them. After more than 3 years, we were now given the hearing date at the Slovak court for our complaint from 2009, which was basis for our complaint to the ACCC.

We are, however, worried about the upcoming court hearing, since it seems that Slovak courts are not accepting the Aarhus convention being applicable on nuclear issues and we also worry about a potential pressure from the new government and their pro-Mochovce agenda.

We believe that the recently announced delay of the construction of the reactors could serve as a good reason for the Slovak decision makers to finally correct their actions by cancelling the permissions granted under the conditions mentioned and by providing such a process that will not breach the public's rights and the Aarhus convention.

We therefore ask the Compliance Committee to closely monitor the progress made by Slovakia following its findings and the MoP decision.

We reiterate our request from 9. December 2011: “We therefore call upon the Compliance Committee to request the Party concerned for clarification on the issues above, in particular whether it is guaranteed that the public concerned will have the right to participate in an early and effective manner in the outstanding permitting procedures falling under various acts, including the nuclear act, before the NPP enters into operation and whether effective legal remedies exist, including injunctive relief in accordance with Article 9 par 2 and 4 of the Convention.”

We would also like to be informed what measures the Compliance Committee has taken in this matter since December 2011.

Best wishes

Thomas Alge

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