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Ref: decision IV/9e of the Meeting of the Parties

22 January 2013

Tatiana Plesnikova  
Department of Legal Services and Appeals  
Ministry of Environment  
Námestie. Ľ. Štúra 1  
Bratislava 812 35, Slovakia

Klaus Kastenhofer  
Director Global 2000/Friends of the Earth Austria  
Neustiftgasse 36  
1070 Vienna, Austria

Dear Ms. Plesnikova,  
Dear Mr. Kastenhofer

**Re: Decision IV/9e of the Meeting of the Parties to the Aarhus Convention**

On behalf of the Aarhus Convention Compliance Committee, I would like to thank the participants in the teleconference on the implementation by Slovakia with decision IV/9e of the Meeting of the Parties at the thirty-ninth meeting of the Compliance Committee (Geneva, 11-14 December 2012).

The report of the meeting, including information concerning the discussion on the communication at issue, will be shortly accessible at the following link <http://www.unece.org/env/pp/ccMeetings.htm>.

You may recall that during the discussion, the Committee requested the Party concerned to submit some additional information, as detailed in the questions annexed to the present letter. The Party concerned is now invited to reply to the questions as soon as possible, but no later than **28 February 2013**. The observers will then be invited to comment on the response of the Party by **7 March 2013**.

In providing your responses, please address the questions of the Committee in a brief and explicit manner and provide the text of the relevant supporting documents in English.

The Committee will review the situation at its next meetings.

Please do not hesitate to contact the secretariat if you require further information.

Yours sincerely,

Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

Cc: Mr. Thomas Alge, Oekubuero, Austria  
Eva Kovacechova, Via Iuris  
Patricia Lorenz, Friends of the Earth Europe/Global 2000  
Permanent Mission of the Slovak Republic to the United Nations Office and other international  
organizations in Geneva

**ANNEX  
Questions**

- 1) On p. 8 of the annex to the report you submitted on 1 December 2011, it is mentioned that there will be proceedings pursuant to the 50/1976 Building Act and the 541/2004 Atomic Act, concerning the peaceful use and operation of the facility. Could you please confirm that members of the public, including the non-governmental organizations (NGOs), will have the right to participate in both procedures?

If yes, will it be possible for the participating members of the public, including NGOs, to raise questions and comments concerning nuclear safety in these procedures. And, will the responsible authorities take due account of these comments?

If these procedures have already taken place, please provide evidence to the Committee to show that members of the public, including NGOs, participated in the decision-making for the peaceful use and operation of the facility at issue and that due account was taken of the outcome of public participation.

- 2) Further to the Committee's findings and recommendations on communication ACCC/C/2009/41, the Meeting of the Parties found that: by failing to provide for early and effective public participation in the decision-making leading to the decisions by the Slovak Nuclear Regulatory Authority 246/2008, 266/2008 and 267/2008 of 14 August 2008 concerning the Mochovce Nuclear Power Plant, the Party concerned failed to comply with article 6, paragraphs 4 and 10, of the Convention.\

Please elaborate on the law amendments carried out in Slovakia to ensure that this does not happen again in relation to the update of old permits for activities that are covered by the Convention.

- 3) Please provide examples of public participation that took place in the decision-making for the reconsideration or update of the operating conditions for activities falling under the Convention - other than those relating to the Mochovce nuclear power plant. What was the process followed by the responsible authorities and how was the outcome of public participation taken into account?

**Notes:**

**Deadline for the Party concerned: 28 February 2013**

**Deadline for the observers to comment on the response of the Party: 7 March 2013**