

Czech Republic statement

Audioconference with Aarhus Convention Compliance Committee

14th March 2019

Chair, members of the Committee, colleagues,

First let me express our appreciation for the work of the Committee and its role that it plays in ensuring good environmental governance and Compliance to the Aarhus convention.

We would also like to stress that we take the conclusions of the Committee very seriously and are working on ways how the address identified shortcomings.

I would like to apologize that Mr. Pokorný is not present today as he has been held up at the UNEA 4 meeting in Nairobi and is sitting in the plane back to Czech Republic at the moment.

We would like to provide several brief comments on the development in individual cases as listed in the decision 6/8e

With regards to the paragraph 3a of the decision VI/8e we recognize that the legal situation has not changed as far as the possibility to challenge the acts by administrative authorities are concerned, nevertheless, we are trying, as was mentioned in the progress report, to address the problem with the exceptions themselves in cooperation with the ministry of health.

Current practice where there were requests for exceptions granted recurrently, notwithstanding the lack of steps towards noise-decreasing measures is about to change with the Amendment of Law 258/2000 Coll. According to the proposed amendment, it will not be possible to grant the exception unless it's proven that all available measures (organizational, technical...etc.) had been used to decrease the level of noise. Moreover, even if all measures were proven to have been exhausted, at the moment of the exception expiry, the subject who requests another extension, will have to, once again, prove that all measures has been exhausted. Hopefully, we will be able to report progress on this matter in the next report.

With regards to the paragraph 3b of the decision VI/8e, we must reiterate our position that at the moment we do not have a list of plans similar to National Investment Plan that are being prepared or other lists that the committee invited us to provide. We are considering ways in which this would be achievable.

Furthermore in relation to this issue, I would like to comment on the point concerning National Energy and Climate Plan that was mentioned by one of the communicants in their comments. The communicant alleged that based on the informal meeting with officials from ministries, they have information that no public consultation will be carried out on the NECP. We entered into communication with the Ministry of the Industry and Trade and we were assured that public consultation is indeed part of the preparation process. Subsequently NECP draft was published on the website of the ministry in December 2018 in order to receive preliminary

comments from the public. 500 communications were received and are being implemented into the proposal at the moment. The ministry of Industry and Trade is in contact with the representatives of the NGOs and is evaluating possible modalities of their further involvement in this process. Finally, the draft will be subject to additional public consultation during the year 2019. We believe that this proves that Czech Republic is committed to ensure public participation on the preparation of the plans similar to the National Investment Plan.

With regard to the paragraph 6 of the decision VI/8e, we also reiterate our previous answers and do not have any new information to share with regards to the legislative changes. Nevertheless in this case, we would also like to bring the attention of the Committee to a case similar to the official hearing for the EIA process that was in the core of the case 71 that we believe show that measures have been taken to assure effective public participation.

Official hearing for the EIA process concerning Dukovany Nuclear power plant took place on 19 June 2018 at 12 am at the Ice Hockey Stadium in Třebíč (the beginning of the meeting was chosen considering the need to ensure the participation of foreign participants, this aspect was also considered in the selection of premises for public discussion - good accessibility to Třebíč, not far from the site and close to Austria). The capacity options were chosen with a view to possible public participation, so the ice hockey stadium was chosen so that no one could be limited to participation. In the end, it was apparent that the premises were oversized. The negotiations were simultaneously translated into German, Polish and Hungarian, everyone received headphones.

As what concerns the rules of discussion - everyone could ask his or her question, then he / she could ask for a supplementary question and followed by another speaker. Speakers with multiple inquiries could subsequently re-apply (repeatedly) to ensure that everybody could ask all their questions. The public hearing was closed at 8:35 pm when there were no more questions.

Subsequently, Ministry of the Environment has not received any complaint from the public regarding their inability to attend the meeting or participate effectively.