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Representing the Communicant in communication ACCC/C/2012/71
Observer in communication ACCC/C/2010/50 and ACCC/C/2012/70

During the discussion on 13 March of the second progress report concerning decision IV/8e
Czechia I have 2 observations:

Observation 1

Ad paragraph 49 of the Committee's findings – OEKOBUEO and GLOBAL2000 has not identified any provisions of the Convention.

I observe that the allegation from OEKOBUEO and GLOBAL2000 in my view would contravene:

Article 6(3) *"allowing sufficient time ... for the public to prepare and participate effectively"*

The period in which the public would have to fulfill requirements, of course, has to be appropriate and take into account, especially for ultrahazardous activities where the public concerned could be living on large distance from the activity – even in another country, that fulfillment of these requirements might take more time than for citizens living in the direct vicinity.

Article 6(7) "Shall allow the public to submit"...

This means that the public has to have the right to be able to submit its viewpoints

1. also without signature

and

2. also after 18 months, irrespective of whether certain requirements have been installed that would limit the right of the public to participate in time or otherwise.

I would like to ask the Committee to require the Czech Republic to ensure that any requirements in the Building Act will not contravene the Convention on these grounds.

Observation 2

This concerns the **Committee's findings in paragraph 52.b**

The Communicants have since the EIA procedure on Temelin 3,4 not received any documentation or information from the Czech Republic concerning further procedures, although their email and mail addresses are known by the relevant authorities.

Although not perfect, Slovakia, for example, in the case of the construction of Mochovce 3,4, does send all participants in earlier procedures updates about decisions and procedures.

It seems that the Czech Republic expects the public from outside the country who have certain rights because of potential transboundary impacts of a project, to proactively gather information from different websites, which is only available in the official language, Czech, but not in any other language. Given the long time that these procedures take, it cannot be expected from the public – especially not from the public in other countries – that it regularly, over years, inspects (foreign language) websites systematically. The involved authorities should also pro-actively inform the public that has a right to participate in the procedure, especially when its contact details are known to the respective authorities.