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UNITED NATIONS

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2 May 2011

Mr. Tomas Kazmierski
Director
Department of Environmental Policy Instruments
Ministry of the Environment
65, Vršovická
10010 Prague 10
Czech Republic

Mr. Pavel Cerný
Head of Legal Programme
Ekologický právní servis (Environmental Law Service)
Dvorákova 13
602 00 Brno
Czech Republic

Dear Mr. Kazmierski, Dear Mr. Cerný

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Czech Republic with provisions of the Convention in connection with access to justice in particular (ACCC/C/2010/50)

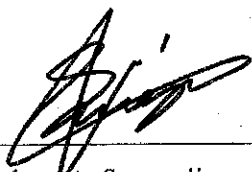
On behalf of the Aarhus Convention Compliance Committee, I would like to thank the participants in the discussion of the above referenced communication at the thirty-second meeting of the Compliance Committee (Geneva, 11-14 April 2011).

The advance unedited copy of 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 of the communication, the Committee requested you to submit some additional information, as detailed in the questions annexed to the present letter. You are invited to reply to the questions as soon as you can, but no later than **1 June 2011**. In providing your response, please address the questions of the Committee in a brief and explicit manner and provide the text of the relevant excerpts of court decisions in English. If you wish to react to the response sent by the other party, you are requested to do so by 7 June 2011.

Please do not hesitate to contact the secretariat if you have questions or seek clarification of any of the above.

Yours sincerely,



Aphrodite Smagadi

Secretary to the Aarhus Convention Compliance Committee

cc: Permanent Mission of the Czech Republic to the United Nations Office and international organizations
in Geneva

Annex

Questions to the Party concerned

1. Please provide your comments to the statements of the communicant in paragraphs 50 and 51 of the communication.
2. Please provide the background and explain the reasons why the Czech legal system differentiates between tenants and owners.
3. With respect to article 9, paragraph 2, of the Convention, and relating to the rights of non-governmental organizations (NGOs), please provide, if possible, more recent court decisions than the 2010 decision mentioned in paragraph 45 of the submissions of the Party concerned (dated 14 March 2011) (i.e. more recent decisions than the judgment of the Supreme Administrative Court of 13 October 2010, Ref. No. 6 Ao 5/2010 – 43).

Especially clarify whether any recent court decisions apply the obiter dictum of the 2009 decision of the Supreme Administrative Court (i.e. the obiter dictum in the judgment of the Supreme Administrative Court of 21 July 2009, Ref. No. 1 Ao 1/2009 – 120, see paragraph 44 of the submissions of the Party concerned of 14 March 2011).

Questions to the communicant

1. To the extent possible, please provide the Committee with excerpts of court decisions in support of your allegations. In particular, it would be appreciated if you provided court decisions relating to the allegation that injunctive relief is never accorded to NGOs because they can never be harmed.
2. With respect to article 9, paragraph 2, of the Convention, and relating to the rights of NGOs, please provide, if possible, more recent court decisions than the 2010 decision mentioned in paragraph 45 of the submissions of the Party concerned (dated 14 March 2011) (i.e. more recent decisions than the judgment of the Supreme Administrative Court of 13 October 2010, Ref. No. 6 Ao 5/2010 – 43).

Especially clarify whether any recent court decisions apply the obiter dictum of the 2009 decision of the Supreme Administrative Court (i.e. the obiter dictum in the judgment of the Supreme Administrative Court of 21 July 2009, Ref. No. 1 Ao 1/2009 – 120, see paragraph 44 of the submissions of the Party concerned of 14 March 2011).

3. Please substantiate your allegations in paragraph 50 of your communication concerning noise exceptions.
4. Please substantiate your allegations in paragraph 51 of your communication concerning the Nuclear Act.

