

Concerning the Czech Republic third progress report on decision V/9f, FBS has the following comments:

- the description of legislative developments on page 1 of the progress report is correct, with an exception of the statement "the possibility for environmental NGOs to take part in the whole range of proceedings subsequent to EIA procedure is guaranteed" (emphasis added). The law is formulated in an ambiguous way in that respect, but in practice, the authorities, including the MoE, interpret the current wording of the EIA act in a way that it also enables the NGOs to participate in part of the subsequent proceedings, namely in proceedings concerning zoning and building permits, mining permits and some others, but not all subsequent procedures according to for example Water Protection Act, Air Protection Act, etc.

- with respect to recommendations a)+b), the description of the relevant provisions of the EIA Act is correct (taking into account the above mentioned unclarity of interpretation of the term "subsequent" proceedings. However, as we pointed out in our comments to previous progress reports, recommendation a) was primarily targeting on the scope of members of the public concerned and of their rights in the decision making procedures, explicitly mentioning the tenants. In this respect, the Building Act still explicitly excludes the tenants from the possibility to become parties to the administrative procedures, in which the land use and building permits are issued. This prevents them i.a. from the possibility to check the administrative files, to participate at the hearings, if taking place, and to launch administrative appeals. Therefore, we do not believe that recommendation a) was fully met. As for recommendation b), it is necessary to wait for long-term application of the EIA amendment in practice, but it is clear from the legislation that obligation of the authorities to take into account comments of the general public is weaker, in the proceedings subsequent to EIA, than duty to consider comments and objections by the parties to the proceedings

- with regard to recommendation c), the description by the Party is correct and we agree this recommendation was met

- also the description of situation concerning recommendation d) by the Party is correct. The amendment of the EIA Act established the right of the NGOs to ask the court to review the screening decision, if its conclusion is that there will be no EIA. However, other members of the public concerned do not have this right. Recommendation d) is therefore not met in a full scope.

- as for recommendation e), we refer to our comments to previous progress reports. The recommendation is met with regard to judicial review of the land use plans, due to recent changes of the jurisprudence. However, concerning the possibilities to challenge exceeding the noise limits, and especially the omissions of the authorities in this respect, no steps were taken by the Party. This part of recommendation is therefore not met.

- we are not aware of any measures taken to meet recommendations related to the Committee ACCC/C/2012/70 findings. The description of the applicable provisions concerning SEA procedure by the Party, in our opinion, indicate that if there would be any proposal of plan or programme similar in nature to the National Investment Plan, it would be highly questionably if rights of the public under art. 7 would be granted, either in the scope of SEA or by any other means

Thank you for your consideration.

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Section Head