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Ref: ACCC/C/2014/105

Palais des Nations, Room 429-2
CH-1211 GENEVA 10

15 September 2014

Ms. Andrea Barad
Head of Unit
Ministry of Rural Development
Kossuth Ter 11
1053 Budapest
Hungary

Dear Ms. Barad,

**Re: Communication to the Aarhus Convention Compliance Committee
concerning compliance by Hungary in connection with a plan to extend
the Paks Nuclear Power Plant (ACCC/C/2014/105)**

On 11 June 2014, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by Hungary with the provisions of the Convention in connection with its alleged failure to ensure access to information and public participation in connection with a plan to extend the Paks Nuclear Power Plant in Hungary, known as the "Teller Project". The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

The communication has been registered under the symbol ACCC/C/2014/105, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.html>.

The Compliance Committee, having considered the admissibility of the communication at its forty-fifth meeting (29 June-2 July 2013), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Also at its forty-fifth meeting the Committee agreed to request additional information from the communicant as to what domestic remedies, if any, may have at any time been available for it to challenge the alleged failure to provide for effective public participation on decisions No. 40/2008. (IV. 17.) Ogy and No. 25/2009. (IV. 4.) Ogy cited in the communication. The communicant has been invited to provide its response to this question by 24 September 2014 in order that it might be considered by the Committee at its forty-sixth meeting (Geneva, 22-25 September 2014).

The Committee proposes to consider the information received from the communicant on this point at its forty-sixth meeting and to determine whether the allegations under article 7 of the Convention should continue to be considered preliminary admissible or not. The Committee's determination of preliminary admissibility will remain valid for the rest of the communication. Following its forty-sixth meeting, the Committee will inform you whether you will be required to respond to the communicant's allegations under article 7, or whether those particular allegations should be considered inadmissible for failure to exhaust domestic remedies. The Committee's determination of preliminary admissibility will remain valid for rest of the communication.

Having regard to paragraph 23 of the annex to decision I/7 and bearing in mind the above, you are kindly invited to submit to the Committee, as soon as possible and at the latest by **1 March 2015**, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the meantime.

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

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

- Cc: Permanent Mission of Hungary to the United Nations Office and other international organizations in Geneva
Mr. János Mező,
Ms. Zsuzsanna Koritár
- Enc: Communication ACCC/C/2014/105 (including 12 supporting documents)
Preliminary determination on admissibility
Datasheet on the communication