

24 December 2020

Maggie Škabraha Dokupilová  
Ministry of the Environment  
Prague, Czechia

Dear Ms. Dokupilová,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Czechia regarding public participation and access to justice in connection with the life-time extension of Dukovany Nuclear Power Plant (ACCC/C/2016/143)**

During the hearing of the above communication at its sixty-fourth meeting (Geneva, 1-5 July 2019), the Compliance Committee indicated that it would in due course be sending questions for the written reply of the Party concerned, as well as a request for further relevant documents. Please now find enclosed the questions and request for relevant documents from the Committee for your attention.

Bearing in mind the upcoming holiday season, the Committee would be very grateful to receive your replies to the enclosed questions and request for relevant documents on or before **Thursday, 21 January 2020**. Please send your reply to [aarhus.compliance@un.org](mailto:aarhus.compliance@un.org), copying the communicants. The communicants will have two weeks from the receipt of your answer to provide the Committee with any comments they wish to make on your reply.

Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



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Fiona Marshall

Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Czech Republic to the United Nations Office and other international organizations in Geneva  
Mr. Thomas Alge and Ms. Priska Lueger, OEKOBUERO, on behalf of the communicants of communication ACCC/C/2016/143

Enc: Questions from the Committee to the Party concerned and request for relevant documents

**Questions from the Committee to the Party concerned:**

1. On page 2 of its response to the communication, the Party concerned states that:  
“Based on the current legislation the SONS has no other option but to issue the operating permit if all the legal requirements are met.”

Which provisions of the current legislation is the Party concerned referring to here? If the text of these provisions, including an English translation thereof, are not already before the Committee in the context of the present case, please provide the text of these provisions, including an English translation, together with your reply.

2. In its updated chronology dated 28 June 2019, OEKOBUERO claims that there were no opportunities for the public to participate in the decision-making on:
  - (a) The unlimited operational license granted for reactor 2 on 28 June 2017;
  - (b) The unlimited operational licenses granted for reactors 3 and 4 on 19 December 2017.

Does the Party concerned agree with this statement? If not, please provide relevant evidence to support your answer.

3. In paragraph 34 of the communication, the communicants state that there is uncertainty as to whether any procedure under the Atomic Act would qualify as a “subsequent procedure” under the Act No. 100/2001 Coll. on environmental impact assessment (EIA Act). Can procedures under the Atomic Act qualify as “subsequent procedures” under the EIA Act? Please provide the text of the relevant legislative provisions or court decisions to support your answer, together with English translations thereof.

**Request by the Committee to the Party concerned for further relevant documentation:**

4. During the hearing to discuss the substance of the communication at the Committee’s sixty-fourth meeting (Geneva, 1-5 July 2019), the Party concerned stated that environmental NGOs have been granted standing by the courts, on the basis of article 65(1) of the Code of Administrative Justice and the right to a favourable environment, to challenge administrative decisions, even when that NGO had not been a party to the administrative procedure. Please provide the texts of any such judgments providing standing to environmental NGOs to challenge decisions taken under Act no. 263/2016 Coll. On the peaceful use of atomic energy and ionizing radiation, together with an English translation of those judgments.
5. If an English translation of Act no. 263/2016 Coll. On the peaceful use of atomic energy and ionizing radiation (2016 Atomic Act) already exists, please provide the text of that Act, together with the English translation to the Committee. If no English translation of the entire Atomic Act already exists, please provide an English translation of sections 9.1 point. f), 19.1 and 21.2 of the 2016 Act.
6. Please provide the text of section 70 of Act no. 114/1992 Coll. on nature and landscape protection as in force in March 2016, together with an English translation thereof. If section 70

has since been amended, please also provide the text of the provision currently in force, together with an English translation thereof.

7. Please provide the text of sections 3 and 4 of Act No. 100/2001 Coll., on environmental impact assessment, together with an English translation thereof:
  - (a) As in force in March 2016, when the indefinite operating licenses for reactor 1 was granted;
  - (b) As in force in June and December 2017, when the indefinite operating licenses for reactors 2, 3 and 4 were granted;
  - (c) As currently in force.
8. Please provide English translations of the full text of each of the following judgments:
  - (a) Supreme Administrative Court judgment no. 7 As 90/ 2011-154 of 27 October 2011 (see communication, annex 6);
  - (b) Constitutional Court decision US 463/12 of 20 June 2012 (see communication, annex 7);
  - (c) Constitutional Court decision of 8 September 2020, concerning the appeal by Jihočeské matky against the verdicts of the Highest Administrative Court dated 29 January 2020 (see summary provided by communicant on 13 November 2020).
9. Please provide the full text in Czech language of each of the following documents:
  - (a) Decision no. 24273/2005 of 16 December 2005 of the State Office of Nuclear Safety (SONS).
  - (b) Decision no. 55714/2006 of 8 December 2006 of the SONS.
  - (c) Decision no. 26350/2015 of 18 December 2015 of the SONS.
  - (d) Decision dated August 2016, granting an extension of the operating license of reactor 2 from 31 December 2016 until 10 July 2017.
  - (e) Decision of the SONS dated 28 June 2017 granting an indefinite operating license for reactor 2;
  - (f) Decision of the SONS dated 19 December 2017 granting an indefinite operating license for reactor 3;
  - (g) Decision of the SONS dated 19 December 2017 granting an indefinite operating license for reactor 4
10. For each of the decisions of the SONS listed in question 9(a)-(g) above, please provide an English translation of the following parts of each decision:
  - (a) The paragraphs of the decision specifying the legislative provisions pursuant to which that decision is granted;
  - (b) The paragraphs of the decision setting out the period of operation permitted through that decision, including the date from which the decision permits the reactor's operation to commence.